



KENTUCKIANA
— COURT REPORTERS —

NO. 20 CV 2348

ANTONIO SOLIS, JOSE SOLIS, AND JUAN RANGEL, INDIVIDUALLY

AND ON BEHALF OF ALL OTHER SIMILARLY SITUATED

V.

HILCO REDEVELOPMENT LLC, ET AL.

CASE NO. 2020 L 004286

ESTATE OF FERNANDO CANTU HINOJOSA, JR.

KATHRYN RAMIREZ-MERCADO AND KIMBERLY RAMIREZ-MERCADO

V.

HRE CRAWFORD, LLC, ET AL.

DEPONENT: RAYMOND ZUKOWSKI

DATE: FEBRUARY 6, 2023



✉ schedule@kentuckianareporters.com

☎ 877.808.5856 | 502.589.2273

1 IN THE UNITED STATES DISTRICT COURT FOR THE
2 NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION
3 HON. MARTHA M. PACOLD,
4 DISTRICT JUDGE
5 HON. SUNIL R. HARJANI,
6 MAGISTRATE JUDGE
7 NO. 20 CV 2348

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10 ANTONIO SOLIS, JOSE SOLIS, AND JUAN RANGEL, INDIVIDUALLY
11 AND ON BEHALF OF ALL
12 OTHER SIMILARLY SITUATED,
13 Plaintiffs

14 V.

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16 HILCO REDEVELOPMENT LLC, HRE CRAWFORD LLC, HRP EXCHANGE
17 55 LLC, MCM
18 MANAGEMENT CORP., CONTROLLED DEMOLITION, INC., AND
19 MARINE TECHNOLOGY
20 SOLUTIONS LLC,
21 Defendants

22 AND

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24 JENKINS ENVIRONMENTAL SERVICES,
25 Third-Party Defendant

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<p style="text-align: right;">Page 2</p> <p>1 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS</p> <p>2 COUNTY DEPARTMENT, LAW DIVISION</p> <p>3 HON. CATHERINE A. SCHNEIDER</p> <p>4 CASE NO. 2020 L 004286</p> <p>5 CONSOLIDATED WITH:</p> <p>6 NO. 2021 L 004461 ALEJANDRO AND CARMEN ABUANZA</p> <p>7 NO. 2021 L 004467 CELIA GOMEZ</p> <p>8 NO. 2021 L 000461 ELIZABETH CRUZ</p> <p>9 NO. 2022 L 000462 MARIA MONTES</p> <p>10 NO. 2022 L 000463 RAUL MONTES JR.</p> <p>11 NO. 2022 L 003289 MIGUEL GUAJARDO</p> <p>12 NO. 2022 L 001659</p> <p>13 ESTATE OF FERNANDO CANTU HINOJOSA, JR.</p> <p>14 KATHRYN RAMIREZ-MERCADO AND KIMBERLY RAMIREZ-MERCADO,</p> <p>15 Plaintiffs,</p> <p>16</p> <p>17 V.</p> <p>18</p> <p>19 HRE CRAWFORD, LLC, HILCO REDEVELOPMENT, LLC, MCM</p> <p>20 MANAGEMENT CORP., HRP EXCHANGE 55, LLC and CONTROLLED</p> <p>21 DEMOLITION, INC.,</p> <p>22 Defendants</p> <p>23</p> <p>24 DEPONENT: RAYMOND ZUKOWSKI</p> <p>25 DATE: FEBRUARY 6, 2023</p> <p>REPORTER: LINDSAY LARSON-TODD</p>	<p style="text-align: right;">Page 4</p> <p>1 APPEARANCES (CONTINUED)</p> <p>2</p> <p>3 ON BEHALF OF THE PLAINTIFF, ESTATE OF FERNANDO CANTU</p> <p>4 HINOJOSA, JR.:</p> <p>5 Carrie Cotter, Esquire</p> <p>6 Stephanie Weissman, Esquire</p> <p>7 Greg Strellis, Esquire</p> <p>8 Strellis Firm Law Offices</p> <p>9 444 North Wells Street</p> <p>10 Suite 404</p> <p>11 Chicago, Illinois 60654</p> <p>12 Telephone No.: (312) 201-0000</p> <p>13 E-mail: sweissman@strellislaw.com</p> <p>14 ccotter@strellislaw.com</p> <p>15 gstrellis@strellislaw.com</p> <p>16 (Appeared via Videoconference)</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 3</p> <p>1 APPEARANCES</p> <p>2</p> <p>3 ON BEHALF OF THE PLAINTIFFS, ANTONIO SOLIS, JOSE SOLIS,</p> <p>4 AND JUAN RANGEL:</p> <p>5 Danielle Hamilton, Esquire</p> <p>6 Loevy & Loevy</p> <p>7 311 North Aberdeen Street</p> <p>8 Third Floor</p> <p>9 Chicago, Illinois 60607</p> <p>10 Telephone No.: (312) 243-5900</p> <p>11 E-mail: hamilton@loevy.com</p> <p>12 (Appeared via Videoconference)</p> <p>13</p> <p>14 ON BEHALF OF THE PLAINTIFFS, KATHRYN RAMIREZ-MERCADO AND</p> <p>15 KIMBERLY RAMIREZ-</p> <p>16 MERCADO:</p> <p>17 Sean Driscoll, Esquire</p> <p>18 Driscoll Law Group</p> <p>19 22 West Washington Street</p> <p>20 Suite 1500</p> <p>21 Chicago, Illinois 60602</p> <p>22 Telephone No.: (312) 818-4823</p> <p>23 E-mail: spd@driscolllawgroupllc.com</p> <p>24 (Appeared via Videoconference)</p> <p>25</p>	<p style="text-align: right;">Page 5</p> <p>1 APPEARANCES (CONTINUED)</p> <p>2</p> <p>3 ON BEHALF OF THE DEFENDANT, MCM MANAGEMENT CORP.:</p> <p>4 Edward A. DeVries, Esquire</p> <p>5 Wilson Elser Moskowitz Edelman Dicker LLP</p> <p>6 55 West Monroe Street</p> <p>7 Suite 3800</p> <p>8 Chicago, Illinois 60603</p> <p>9 Telephone No.: (312) 704-0550</p> <p>10 E-mail: edward.devries@wilsonelser.com</p> <p>11 (Appeared via Videoconference)</p> <p>12</p> <p>13 ON BEHALF OF THE DEFENDANTS, HILCO REDEVELOPMENT LLC,</p> <p>14 HRE CRAWFORD LLC, AND</p> <p>15 HRP EXCHANGE 55, LLC:</p> <p>16 Michael S. Smith, Esquire</p> <p>17 Kirkland & Ellis LLP</p> <p>18 300 North LaSalle Street</p> <p>19 Chicago, Illinois 60654</p> <p>20 Telephone No.: (312) 862-2000</p> <p>21 E-mail: michael.smith@kirkland.com</p> <p>22 (Appeared via Videoconference)</p> <p>23</p> <p>24</p> <p>25</p>

<p>Page 6</p> <p>1 APPEARANCES (CONTINUED)</p> <p>2</p> <p>3 ON BEHALF OF THE DEFENDANT, CONTROLLED DEMOLITION, INC.:</p> <p>4 Andrew Rice, Esquire</p> <p>5 Cray Huber Horstman Heil & Vanausdal, LLC</p> <p>6 303 West Madison Street</p> <p>7 Suite 2200</p> <p>8 Chicago, Illinois 60606</p> <p>9 Telephone No.: (312) 332-8450</p> <p>10 E-mail: apr@crayhuber.com</p> <p>11 (Appeared via Videoconference)</p> <p>12</p> <p>13 ON BEHALF OF THE DEFENDANT, MARINE TECHNOLOGY SOLUTIONS</p> <p>14 LLC.:</p> <p>15 Thomas J. Lyman, III, Esquire</p> <p>16 Smithamundsen LLC</p> <p>17 150 North Michigan Avenue</p> <p>18 Suite 3300</p> <p>19 Chicago, Illinois 60601</p> <p>20 Telephone No.: (312) 894-3241</p> <p>21 E-mail: tlyman@amundsendavislaw.com</p> <p>22 (Appeared via Videoconference)</p> <p>23</p> <p>24</p> <p>25</p>	<p>Page 8</p> <p>1 INDEX</p> <p>2</p> <p>3 PROCEEDINGS</p> <p>4 DIRECT EXAMINATION BY MS. HAMILTON</p> <p>5 EXAMINATION BY MR. DRISCOLL</p> <p>6</p> <p>7 EXHIBITS</p> <p>8 Exhibit</p> <p>9 1 - Bates MCM-SOLIS_0004309 - Controlled</p> <p>10 Demolition Incorporated Proposal -</p> <p>11 October 22, 2019</p> <p>12 2 - Bates MCM-SOLIS_0005435 - Controlled</p> <p>13 Demolition Incorporated Proposal -</p> <p>14 December 19, 2019</p> <p>15 3 - Bates CTRL001937 - Controlled Demolition</p> <p>16 Incorporated Preliminary Plan</p> <p>17 and Procedure</p> <p>18 4 - Bates CTRL014180 - Controlled Demolition</p> <p>19 Incorporated Preliminary Plan</p> <p>20 and Procedure - Chimney</p> <p>21 5 - Bates CTRL014196 - MCM Management</p> <p>22 Corporation - Subcontract for</p> <p>23 Performance of Work - February 24, 2020</p> <p>24 6 - Bates CTRL002118 - Crawford Generating</p> <p>25 Plant - September 29, 2019</p>
<p>Page 7</p> <p>1 APPEARANCES (CONTINUED)</p> <p>2</p> <p>3 ON BEHALF OF THE DEFENDANT, JENKINS ENVIRONMENTAL:</p> <p>4 John Beribak, Esquire</p> <p>5 Ed Olsen, Esquire</p> <p>6 Charysh & Schroeder, Ltd.</p> <p>7 33 North Dearborn Street</p> <p>8 Suite 1300</p> <p>9 Chicago, Illinois</p> <p>10 Telephone No.: (312) 372-8838</p> <p>11 E-mail: jberibak@cslaw-chicago.com</p> <p>12 eolson@cslaw-chicago.com</p> <p>13 (Appeared via Videoconference)</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>Page 9</p> <p>1 EXHIBITS (CONTINUED)</p> <p>2 Exhibit</p> <p>3 7 - Bates CTRL000081 - Email from Jennifer L.</p> <p>4 Renteria on Behalf of Raymond Zukowski</p> <p>5 - Subject RE: Chicago-Crawford</p> <p>6 8 - Bates CTRL000381 - Email from Raymond</p> <p>7 Zukowski to Carol Groft</p> <p>8 9 - Bates CTRL000307 - Email from Eric Dovas</p> <p>9 to Raymond Zukowski - Subject Exclusion</p> <p>10 Zone for Crawford - April 2, 2020</p> <p>11 10 - Bates CTRL002057 - Crawford Generating</p> <p>12 Plant - Fugitive Dust Control Plan</p> <p>13 11 - Bates CTRL000027 - Email from Eric Dovas</p> <p>14 to Raymond Zukowski - Subject</p> <p>15 RE: Crawford Subcontract for the</p> <p>16 Chimney</p> <p>17 12 - Bates CTRL000040 - Email from Raymond</p> <p>18 Zukowski to Nicholas Pullara -</p> <p>19 Subject RE: Crawford Station Chimney</p> <p>20 13 - Bates CTRL012782 - Email Chain -</p> <p>21 Subject RE: Crawford Chimney</p> <p>22 Permitting</p>

<p>Page 10</p> <p>EXHIBITS (CONTINUED)</p> <p>Exhibit Page</p> <p>14 - Bates CTRL000161 - Email from Mark Loizeaux to Raymond Zukowski - Subject Crawford Chimney - Chicago, IL - CDI File #19-189 117</p> <p>15 - Bates CTRL000156 - Email from Mark Loizeaux to Raymond Zukowski - Subject Crawford Chimney - Chicago, IL - CDI File #19-189 - April 1, 2020 121</p> <p>16 - Bates CTRL012827 - Email Chain - Subject RE: Crawford Station - Chicago, IL 127</p> <p>17 - Bates CTRL000176 - Email from Mark Loizeaux regarding the TLG Report 135</p> <p>18 - Bates HILCO_CRAWFORD_00002236 - Hilco Redevelopment Partners Immediate Actions Following the Implosion of the Stack at the Crawford Power Plant - April 13, 2020 138</p> <p>19 - Bates HILCO_CRAWFORD_00017928 - Statement from Hilco Redevelopment Partners CEO - Roberto Perez - April 14, 2020 143</p>	<p>Page 12</p> <p>STIPULATION</p> <p>The VIDEO deposition of RAYMOND ZUKOWSKI was taken at KENTUCKIANA COURT REPORTERS, 110 NORTH WACKER DRIVE, CHICAGO, ILLINOIS 60606 via videoconference in which all participants attended remotely on MONDAY the 6th day of FEBRUARY 2023 at 11:08 a.m. (ET); said deposition was taken pursuant to the FEDERAL Rules of Civil Procedure. THE OATH IN THIS MATTER WAS SWORN REMOTELY PURSUANT TO FRCP 30.</p> <p>It is agreed that LINDSAY LARSON-TODD, being a Notary Public and Court Reporter for the State of ILLINOIS, may swear the witness and that the reading and signing of the completed transcript by the witness is not waived.</p>
<p>Page 11</p> <p>EXHIBITS (CONTINUED)</p> <p>Exhibit Page</p> <p>20 - Bates PL 000001 - Electronic Mail to Mayor Lightfoot from Roberto Perez - April 16, 2020 146</p> <p>21 - Bates HILCO_CRAWFORD_00022789 - Email Chain - Subject Proposed Statement Regarding Crawford Incident - April 14, 2020 148</p> <p>22 - Bates HILCO_CRAWFORD_00012502 - RE: Termination Notice - April 28, 2020 151</p>	<p>Page 13</p> <p>PROCEEDINGS</p> <p>COURT REPORTER: All right. We are on the record. My name is Lindsay Larson-Todd. I'm the online video technician and court reporter today representing Kentuckiana Court Reporters, located at 110 North Wacker Drive, Chicago, Illinois, 60606. Today is the 6th day of February 2023. The current time is 11:08 Eastern Standard Time. We are convened by videoconference to take the deposition of Raymond Zukowski in the matter of Antonio Solis, Jose Solis, and Juan Rangel, individually and on behalf of all other similarly situated, versus Hilco Development [sic] LLC, HRE Crawford LLC, HRP Exchange 55, LLC, MCM Management Corporation, Controlled Demolition, Incorporated, and Marine Technology Solutions LLC, pending in the United States District Court for the Northern District of Illinois Eastern Division, number 20-CV-2348. Will everyone but the witness please state your appearance, how you are attending, and the location you are attending from, starting with Plaintiff's counsel?</p> <p>MS. HAMILTON: This is Danielle Hamilton on behalf of the plaintiffs. I'm attending via Zoom from Chicago, Illinois.</p>

<p style="text-align: right;">Page 14</p> <p>1 MR. DRISCOLL: My name is Sean Driscoll. I'm</p> <p>2 representing the Ramirez Mercado Plaintiff Group,</p> <p>3 represented by Clifford Law Offices and Driscoll Law</p> <p>4 Group, and I am attending via Zoom from Glen Ellyn,</p> <p>5 Illinois.</p> <p>6 MS. WEISSMAN: Stephanie Weissman on behalf of</p> <p>7 the estate of Fernando Cantu Hinojosa Jr., attending</p> <p>8 from Chicago, Illinois.</p> <p>9 MS. COTTER: This is Carrie Cotter, also</p> <p>10 attending on behalf of the estate of Fernando Cantu</p> <p>11 Hinojosa, Jr. Also via Zoom in Chicago, Illinois.</p> <p>12 MR. RICE: Andrew Rice on behalf of Controlled</p> <p>13 Demolition Inc. And I'm appearing in my office in</p> <p>14 Chicago, Illinois.</p> <p>15 MR. DEVRIES: Edward DeVries for defendant MCM</p> <p>16 Management. I'm attending from Wilson Elser's</p> <p>17 office at 233 East 84th Drive in Merrillville,</p> <p>18 Indiana.</p> <p>19 MR. SMITH: Michael Smith for the Hilco</p> <p>20 defendants attending on behalf of -- in Kirkland &</p> <p>21 Ellis attending via Zoom and from Chicago, Illinois.</p> <p>22 MR. LYMAN: Good morning. Tom Lyman on behalf</p> <p>23 of Marine Technologies attending from my second</p> <p>24 office, luckily in Florida. Sorry about that,</p> <p>25 everyone.</p>	<p style="text-align: right;">Page 16</p> <p>1 DIRECT EXAMINATION</p> <p>2 BY MS. HAMILTON:</p> <p>3 Q Good morning, Mr. Zukowski.</p> <p>4 A Good morning.</p> <p>5 Q As I mentioned, my name is Danielle Hamilton.</p> <p>6 I'll be the first person asking you questions today. I</p> <p>7 want to go over just some rules of the deposition. I'm</p> <p>8 not sure if you've been deposed before or if you -- how</p> <p>9 long it's been since you've been deposed, if you have</p> <p>10 been. So I'm going to ask you questions today and you</p> <p>11 will give answers under oath just as if you were in a</p> <p>12 courtroom. Do you understand that?</p> <p>13 A Yes.</p> <p>14 Q Okay. If you don't understand the question,</p> <p>15 please ask. I'm happy to rephrase any questions. If</p> <p>16 you answer the question, I will assume you understood</p> <p>17 it. Do you understand that?</p> <p>18 A Yes, I do.</p> <p>19 Q Okay. Please give verbal answers, so the</p> <p>20 court reporter can take down, you know, yes and no and</p> <p>21 not uh-huh or uh-huh or shaking of the head or anything</p> <p>22 like that. Do you understand that?</p> <p>23 A Yes.</p> <p>24 Q If you need a break at any time, please let me</p> <p>25 know. I'm happy to take a break. I just ask you that</p>
<p style="text-align: right;">Page 15</p> <p>1 MR. BERIBAK: John Beribak. I represent the</p> <p>2 third party defendant, Jenkins Environmental</p> <p>3 Incorporated, and the cases filed in Cook County and</p> <p>4 I'm in Chicago, Illinois.</p> <p>5 COURT REPORTER: All right. And then</p> <p>6 Mr. Zukowski, will you please state your full name</p> <p>7 for the record.</p> <p>8 THE WITNESS: Raymond Daniel Zukowski.</p> <p>9 COURT REPORTER: And go ahead and hold your ID</p> <p>10 up to the camera for me. Okay. Perfect. Do all</p> <p>11 parties agree that the witness is in fact Mr.</p> <p>12 Raymond Zukowski?</p> <p>13 MR. DRISCOLL: Yeah.</p> <p>14 MR. RICE: Yes.</p> <p>15 MS. WEISSMAN: Yes.</p> <p>16 MR. BERIBAK: Yes.</p> <p>17 MR. SMITH: Yes.</p> <p>18 MR. DEVRIES: Yes.</p> <p>19 COURT REPORTER: All right. Mr. Zukowski, go</p> <p>20 ahead and raise your right hand for me. Do you</p> <p>21 solemnly swear or affirm that the testimony you're</p> <p>22 about to give will be the truth, the whole truth,</p> <p>23 and nothing but the truth?</p> <p>24 THE WITNESS: I do.</p> <p>25 COURT REPORTER: All right. You may begin.</p>	<p style="text-align: right;">Page 17</p> <p>1 you answer the question pending before you take that</p> <p>2 break. Do you understand that?</p> <p>3 A Yes.</p> <p>4 Q Is there any reason you can't provide complete</p> <p>5 and accurate answers to my questions today?</p> <p>6 A No.</p> <p>7 Q Okay. Do you have any conditions that might</p> <p>8 affect your memory?</p> <p>9 A No.</p> <p>10 Q And are you taking any medication that might</p> <p>11 affect your memory?</p> <p>12 A No.</p> <p>13 Q Okay. Did you prepare for your deposition</p> <p>14 today?</p> <p>15 A Yes.</p> <p>16 Q How did you prepare for your deposition?</p> <p>17 MR. RICE: Well, I'm going to object on that.</p> <p>18 I think you're going to ask him certain questions</p> <p>19 about what he reviewed and time, but I don't know if</p> <p>20 you can go into details about how he prepared but go</p> <p>21 ahead.</p> <p>22 MS. HAMILTON: What -- is there objection</p> <p>23 there?</p> <p>24 MR. RICE: Privilege. Yes.</p> <p>25 BY MS. HAMILTON:</p>

<p style="text-align: right;">Page 18</p> <p>1 Q Well, I'm not asking you about privilege</p> <p>2 conversations you've had with your counsel. I'm asking</p> <p>3 you how you prepared to -- for the deposition today.</p> <p>4 So, you know, please don't reveal any privilege</p> <p>5 communications, but please answer the question.</p> <p>6 A I simply reviewed the documents in the file.</p> <p>7 It's been a while. Just the -- the job was not -- you</p> <p>8 know, not yesterday, as we all know. So just wanted to</p> <p>9 catch up.</p> <p>10 MR. RICE: I think we may have lost Danielle</p> <p>11 accidentally.</p> <p>12 THE WITNESS: Yeah. Well, she froze on my</p> <p>13 screen.</p> <p>14 MR. RICE: Yeah.</p> <p>15 COURT REPORTER: Let me take us off the record</p> <p>16 real quick. All right. We're going off the record</p> <p>17 at 11:14 a.m. Eastern Standard Time.</p> <p>18 (OFF THE RECORD)</p> <p>19 COURT REPORTER: We are back on the record.</p> <p>20 The time is 11:14 a.m. Eastern Standard Time. You</p> <p>21 may continue.</p> <p>22 BY MS. HAMILTON:</p> <p>23 Q Sorry, I don't know if you heard my last</p> <p>24 question. It was: when you say you reviewed documents</p> <p>25 in the file, what file are you referring to?</p>	<p style="text-align: right;">Page 20</p> <p>1 Q When did you speak with your attorney to</p> <p>2 prepare for the deposition?</p> <p>3 A This morning.</p> <p>4 Q Did you speak with your attorney to prepare</p> <p>5 for the deposition any time other than this morning?</p> <p>6 A We've spoken on numerous occasions. I would</p> <p>7 say it was specific to the deposition. It was just -- I</p> <p>8 guess they're all specific to the deposition because</p> <p>9 that's why we're here.</p> <p>10 Q Okay. How long did is meeting this morning?</p> <p>11 A An hour and 45 minutes maybe.</p> <p>12 Q And then the other numerous occasions that</p> <p>13 you've spoken in preparation for your deposition, can</p> <p>14 you put an estimate on how many occasions you spoke with</p> <p>15 your attorney?</p> <p>16 A I'd be guessing, but four or five.</p> <p>17 Q And how long did those meetings last?</p> <p>18 A Numerous or varying times. Sometimes there</p> <p>19 were, you know, ten- minute phone calls and sometimes we</p> <p>20 talk for an hour.</p> <p>21 Q And did you review any documents, any of the</p> <p>22 meetings you had with your attorneys?</p> <p>23 A Yes.</p> <p>24 Q Okay. What documents did you review in those</p> <p>25 meetings?</p>
<p style="text-align: right;">Page 19</p> <p>1 A My file of the job.</p> <p>2 Q And when did you last review your file of the</p> <p>3 job?</p> <p>4 A This morning.</p> <p>5 Q And did you review it at any other time other</p> <p>6 than this morning?</p> <p>7 A Yes.</p> <p>8 Q When did you do that?</p> <p>9 A Numerous times since this all started.</p> <p>10 Q And so is this your own personal file of the</p> <p>11 Crawford job that you reviewed that -- prior to this</p> <p>12 deposition today?</p> <p>13 A They're all -- they're all -- they're all</p> <p>14 company documents. I just print some out when needed.</p> <p>15 Q Do you know approximately how many pages the</p> <p>16 CDI file of the Crawford job is?</p> <p>17 A No idea.</p> <p>18 Q Is it hundreds of pages?</p> <p>19 A Again, I've never counted.</p> <p>20 Q Okay. Have you reviewed any deposition</p> <p>21 testimony in preparation for your deposition today?</p> <p>22 A No.</p> <p>23 Q Have you spoken with your attorney in</p> <p>24 preparation for your deposition today?</p> <p>25 A Yes.</p>	<p style="text-align: right;">Page 21</p> <p>1 A The documents that had already been submitted.</p> <p>2 E-mails, drawings, plans.</p> <p>3 Q When you say submitted, do you mean produced</p> <p>4 in the case?</p> <p>5 A I believe so.</p> <p>6 Q The documents that you reviewed that have been</p> <p>7 produced in this case, is that the same or different</p> <p>8 than your -- than the CDI file of the job?</p> <p>9 A Our documents would be the same.</p> <p>10 Q So when you say you reviewed the CDI file of</p> <p>11 the job, you reviewed the CDI production produced in the</p> <p>12 federal case, correct?</p> <p>13 A No. I -- I -- again, there's -- I have not</p> <p>14 seen the entire document that was submitted to anybody.</p> <p>15 I -- you know, I was involved with the job, so I got up</p> <p>16 to speed with, you know, things that I -- I was involved</p> <p>17 in -- in this submission.</p> <p>18 Q Okay. Have you spoken with any other person</p> <p>19 about the substance of your deposition other than your</p> <p>20 attorneys?</p> <p>21 A Just to my boss.</p> <p>22 Q Who's your boss?</p> <p>23 A Mark Loizeaux.</p> <p>24 Q And when did you speak to Mr. Loizeaux about</p> <p>25 your deposition?</p>

<p style="text-align: right;">Page 22</p> <p>1 A I think the last time -- well, we bumped into</p> <p>2 each other this morning in the hallway, but he just</p> <p>3 asked me if I was ready for the meeting today and I said</p> <p>4 yes.</p> <p>5 Q Did you speak with him any other time about</p> <p>6 your deposition other than this morning?</p> <p>7 A I'm sure we have. I mean, he's being deposed</p> <p>8 shortly after I am, I believe, so how many times? I'd</p> <p>9 be guessing.</p> <p>10 Q Did you and Mark talk about the substance of</p> <p>11 your deposition?</p> <p>12 A Define substance.</p> <p>13 Q About any of the questions or answers that you</p> <p>14 would be providing today?</p> <p>15 A No. Just -- just talked about the job and</p> <p>16 what was done.</p> <p>17 Q Have you spoken to Tom Doud about the -- about</p> <p>18 your deposition today?</p> <p>19 A No.</p> <p>20 Q Did you do anything else to prepare other than</p> <p>21 what you testified to?</p> <p>22 A No.</p> <p>23 Q And Mr. Zukowski, are you currently employed?</p> <p>24 A Yes.</p> <p>25 Q And where are you employed?</p>	<p style="text-align: right;">Page 24</p> <p>1 Q Okay. When was CDI founded?</p> <p>2 A You'd have to ask Mark the exact date. I'd</p> <p>3 have to look it up.</p> <p>4 Q Do you know the year?</p> <p>5 A I believe it was incorporated in '60</p> <p>6 something.</p> <p>7 Q And what is your -- what was your position at</p> <p>8 CDI when you started in 1996?</p> <p>9 A I was an estimator and project manager.</p> <p>10 Q What are the responsibilities of an estimator</p> <p>11 and project manager?</p> <p>12 A To go bid the jobs when they come in and run</p> <p>13 them after you get them.</p> <p>14 Q I'm sorry, I didn't hear your answer. And run</p> <p>15 them what?</p> <p>16 A Run them after -- if you get the job, then</p> <p>17 you're responsible for running it. The overall</p> <p>18 management of the job.</p> <p>19 Q Okay. And how long were you an estimator and</p> <p>20 project manager for</p> <p>21 CDI?</p> <p>22 A I still am. It's what I do every day.</p> <p>23 Q Have you had held any other positions at CDI</p> <p>24 other than estimator or project manager?</p> <p>25 A Yes. I was promoted to field operations</p>
<p style="text-align: right;">Page 23</p> <p>1 A Controlled Demolition Incorporated.</p> <p>2 Q And how long have you been employed at</p> <p>3 Controlled Demolition Incorporated?</p> <p>4 A I started here in 1996, 27 years ago.</p> <p>5 Q That's very quick math. Prior to CDI, what</p> <p>6 was your employment?</p> <p>7 A I worked for a demolition company out of</p> <p>8 Syracuse, New York.</p> <p>9 Q How long did you work for that company out of</p> <p>10 Syracuse?</p> <p>11 A About seven years.</p> <p>12 Q And before that, what was your employment?</p> <p>13 A I was in school.</p> <p>14 Q Were you in college?</p> <p>15 A Yes.</p> <p>16 Q Where did you go to college?</p> <p>17 A Syracuse University.</p> <p>18 Q And did you graduate from Syracuse?</p> <p>19 A Yes. I -- I graduated from their satellite</p> <p>20 school in Utica, New York, but it's a -- it was a</p> <p>21 Syracuse diploma.</p> <p>22 Q Sure. What was your degree in?</p> <p>23 A Construction Management.</p> <p>24 Q And have you done any postgraduate education?</p> <p>25 A No.</p>	<p style="text-align: right;">Page 25</p> <p>1 manager and now I am the vice president.</p> <p>2 Q How long were you fields operations manager?</p> <p>3 A Probably ten years.</p> <p>4 Q And what are the responsibilities of a field</p> <p>5 operations manager?</p> <p>6 A Just make sure all the jobs are running on</p> <p>7 schedule and on budget and coordinate --</p> <p>8 Q And what do you --</p> <p>9 A -- coordinate all crews. You know, we're not</p> <p>10 a very big company, so it's -- you know, it sounds</p> <p>11 bigger than it is.</p> <p>12 Q Do you know how many employees are at CDI</p> <p>13 today?</p> <p>14 A If we're currently including office and field,</p> <p>15 we have 13 -- 14 people.</p> <p>16 Q And back in April of 2020, did you have 14</p> <p>17 people?</p> <p>18 A No, I think we -- we had a few more. We had a</p> <p>19 couple of the field guys leave us since COVID.</p> <p>20 Q When were you promoted to vice president?</p> <p>21 A Five years ago or -- no, 2016. So six, seven</p> <p>22 years.</p> <p>23 Q And what are your responsibilities as vice</p> <p>24 president of CDI?</p> <p>25 A Same as they always were. Get the -- find the</p>

<p style="text-align: right;">Page 26</p> <p>1 jobs, bid the jobs, run the jobs, review the contracts, 2 make sure everything is on time and under budget. 3 Q Have you worked with MCM in your capacity as 4 an employee of CDI before April of 2020? 5 A Yes. 6 Q How many times have you worked with them? 7 A I'd have to check the dates. Again, you know, 8 27 years of doing dozens and dozens of jobs over the 9 years, they kind of run together after a while. The -- 10 the -- the last one we did was the Beckjord Power 11 Station. Before then, I believe that was before 12 Crawford. Yes. Yes, it was. Then, we worked at -- did 13 a bunch of work for them down in Bethlehem Steel here in 14 Baltimore and they were in charge of clearing that site. 15 We do some blasting for them down there. 16 Q Do you know when the Beckjord project was? 17 A I'd have to look it up, but I -- I believe 18 shortly before this. 19 Q Shortly before the Crawford project? 20 A Yes. 21 Q So shortly before April of 2020? 22 A I think so. I can look it up now if you need 23 -- need me to. 24 Q Go ahead. Sure. Why don't you look it up? 25 A Give me one second. Yeah. Sorry.</p>	<p style="text-align: right;">Page 28</p> <p>1 2019 first visit and then it says shot 11 -- 4-11-20, 2 8:00 a.m. \$81,920 and 378 feet tall. 3 Q And is the money figure the cost of the 4 Crawford job? 5 A Yes, that was our contract. 6 Q Okay. Has Mark always been the president of 7 CDI since you've been working there? 8 A Yes. 9 Q Okay. So what services does CDI provide? 10 A We are a explosives demolition subcontractor. 11 Q Does CDI provide demolition services that 12 don't use explosives? 13 A Not anymore, no. 14 Q Did CDI ever provide that? 15 A Yes. 16 Q When did they stop providing demolition 17 services that didn't involve the use of explosives? 18 A Our last project that we did that we were not 19 using explosives was six or seven years ago and we just 20 -- and -- and we were just the main -- we were the main 21 contractor, but I only had one person on the job. We 22 subcontracted the whole work out, so -- 23 Q Do you know why CDI stopped providing 24 demolition services that didn't use explosives? 25 A There's too much competition out there. I</p>
<p style="text-align: right;">Page 27</p> <p>1 Q Okay. 2 A No, it was after -- I'm sorry, but the actual 3 shot date was May 8th of '20. 4 Q Okay. 5 A But it was -- just because that -- it was shot 6 in May doesn't mean that's the first time I was there. 7 There was a review of the project, meetings, stuff like 8 that. So it was probably almost concurrent with this 9 then. 10 Q I forgot to ask you, do you have any physical 11 hard copy documents with you today for the deposition? 12 A I've got sticky notes just to write down some 13 times. Again, I don't remember what you sent. I got 14 the documents that you sent via LinkedIn or whatever. 15 Sorry. 16 MR. RICE: I believe those are the exhibits 17 that you sent. 18 THE WITNESS: Yes. Yes. Thank you. 19 Q What do your sticky notes say? 20 A One has your name on it and the other one has 21 just the timeline, you know, of the job, shot date when 22 I first visited. 23 Q Can you read the sticky note that has the 24 timeline on it? 25 A Yep. It says fall 2019 and it says December</p>	<p style="text-align: right;">Page 29</p> <p>1 mean, we're -- we're -- we're really good at what we do 2 and so that's -- that's the path we've decided to stick 3 to and there's -- there's so much competition out there. 4 It's -- it's incredibly hard to be competitive. 5 Q Okay. What is involved in providing explosive 6 demolition services? 7 A That's kind of vague from -- from -- from from 8 day one through the shot? I mean, how much -- what do 9 you -- 10 Q Yes. 11 A Day one if the phone call comes in or an e- 12 mail comes in and says, "Would you like to bid this job? 13 Can -- please have a number on it." And I'll look at the 14 plans if they have them. If not, I'll go visit the 15 site. I'll bid the job. If we're successful, I'll go 16 to the job again. I'll review the subcontracts. All 17 subcontracts come through me with my final approval from 18 Mark. And then once the paper's in place, I'm in -- 19 it's my job that I'm physically going to do. I'll order 20 the explosives. I'll do all of the liaison with the 21 client and their client if need be and make sure the job 22 is prepared for spec and then once it's time, I'll -- 23 I'll go down and be in charge of the -- loading of the 24 explosives. 25 Q When you say make sure the job is ready for</p>

<p style="text-align: right;">Page 30</p> <p>1 spec, what does that mean?</p> <p>2 A No. Per spec. That -- that -- that -- what's</p> <p>3 been prepared -- that -- that it's been prepared. The</p> <p>4 structure's been prepared to -- per our -- per our</p> <p>5 design. You just don't -- buildings just don't fall</p> <p>6 down or chimneys just don't fall down. You have to make</p> <p>7 them fall down. There's a lot of work that has to go</p> <p>8 into it prior to explosives arriving. So our -- our</p> <p>9 superintendents are in charge of that to make sure that</p> <p>10 our client gets the building ready or the structure</p> <p>11 ready. And once we all agree and it's ready, then we'll</p> <p>12 put it on the ground.</p> <p>13 Q And do you or someone at CDI design how to get</p> <p>14 the building ready for demolition?</p> <p>15 A Yes.</p> <p>16 Q As for your demolition projects that you bid</p> <p>17 and the bid is accepted, do you provide Community</p> <p>18 Outreach services?</p> <p>19 A When asked, yes.</p> <p>20 Q And when asked by the contractor, the person</p> <p>21 you're contracting with?</p> <p>22 A Correct.</p> <p>23 Q And have you provided Community Outreach</p> <p>24 services before as part of your demolition projects?</p> <p>25 A Yes.</p>	<p style="text-align: right;">Page 32</p> <p>1 the building owners about their air conditioning systems</p> <p>2 and you know, stuff like that. You know, if you're</p> <p>3 closing down city streets for three or four blocks</p> <p>4 around the structure, people ought to know, so you just</p> <p>5 talk them through the process.</p> <p>6 Q When do you normally talk to adjacent</p> <p>7 businesses or buildings -- people in buildings?</p> <p>8 A Again, it's all -- it's all project specific.</p> <p>9 If -- if -- if you start too early, then -- then it's</p> <p>10 not as effective. But if you start too late, it's not</p> <p>11 effective at all either. There's a -- it -- it's a</p> <p>12 learned experience over decades of doing this that you,</p> <p>13 "Okay. This is -- you know, my clients has -- the</p> <p>14 neighbors are A, B, and C, but A's needs are way more</p> <p>15 -- his needs are much larger than B's needs and C's</p> <p>16 needs." So it -- it's -- you got to have -- have time</p> <p>17 for them, time to prepare and, you know, you need to</p> <p>18 have time to respond to the questions, so there's no --</p> <p>19 there's no formula. It's all -- you know, it's a</p> <p>20 learned experience after years of doing it.</p> <p>21 Q Do you have a checklist of any kind when you</p> <p>22 do Community Outreach for demolition projects? So Just</p> <p>23 things to make sure that you do as a part of your</p> <p>24 community outreach?</p> <p>25 A No, there's no checklist. No.</p>
<p style="text-align: right;">Page 31</p> <p>1 Q And what do those Community Outreach services</p> <p>2 entail?</p> <p>3 A Well, it depends on the project. If you're</p> <p>4 doing a -- a building in downtown Chicago, those</p> <p>5 outreaches are going to be a lot different than if</p> <p>6 you're doing a -- you know, a -- a power plant in the</p> <p>7 middle of nowhere. So they're not -- there's no set</p> <p>8 community outreach. It's all job specific.</p> <p>9 Q Have you provided Community Outreach for any</p> <p>10 jobs in the City of Chicago?</p> <p>11 A Personally, no.</p> <p>12 Q To your knowledge, has CDI provided any</p> <p>13 Community Outreach for any jobs in Chicago?</p> <p>14 A Probably without -- without looking into the</p> <p>15 file, but I'm sure the -- the housing projects that we</p> <p>16 did had the Community Outreach aspect to it.</p> <p>17 Q And when were those housing projects?</p> <p>18 A Late '90s.</p> <p>19 Q And can you tell me what -- understanding that</p> <p>20 depends on the job, if you were doing a job in a major</p> <p>21 city, what Community Outreach do you typically do?</p> <p>22 A Again, it's -- it depends on where the</p> <p>23 structure is and what's around it more importantly. You</p> <p>24 know, if it's in a downtown environment, do you have to</p> <p>25 evacuate businesses? Do you have to, you know, talk to</p>	<p style="text-align: right;">Page 33</p> <p>1 MR. RICE: Just a note, Ray, wait until she's</p> <p>2 done asking the question.</p> <p>3 THE WITNESS: Okay. Sorry.</p> <p>4 MR. RICE: If you talk before --</p> <p>5 BY MS. HAMILTON:</p> <p>6 Q Sorry. I didn't mention that earlier, but</p> <p>7 just to make sure the court reporter can take down both</p> <p>8 of us. He'll just let me finish my question, even if</p> <p>9 you know where I'm going and if there are any</p> <p>10 objections, you know, counsel will make that and then</p> <p>11 you can answer.</p> <p>12 A Understood.</p> <p>13 Q When CDI has been contracted to provide</p> <p>14 demolition services, does the company normally handle</p> <p>15 getting blasting permits?</p> <p>16 A Yes.</p> <p>17 Q And who typically handles that at CDI?</p> <p>18 A Carol Groft, G-R-O-F-T.</p> <p>19 Q And what is Carol Groft's position at CDI?</p> <p>20 A She is Mark's executive assistant/holds us all</p> <p>21 together.</p> <p>22 Q And are you aware of the process that</p> <p>23 Ms. Groft goes through to get blasting permits?</p> <p>24 A Yes.</p> <p>25 Q What is that process?</p>

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1 A You start at the -- you start at the high
2 level, the federal, which we have ATF, then you go to
3 the state, depending on which state you're in, they'll
4 have or they may or may not, excuse me, have a blasting
5 permit or a license that's required. And then after
6 that, you go to the local county. Some counties do, some
7 counties don't. And then you go to the actual city or
8 town that you're in. So you have to -- there's the --
9 believe it or not, the -- there's -- there's no set
10 blasting license. They're all different all over the
11 country and all over the world. You think it would be
12 more streamlined and, you know, coherent, but it's not.
13 Chicago, for example, has a city blasting license. The
14 state has a -- and Illinois has a state license, and
15 obviously the federal has federal, but that's Chicago.
16 Well, you go to the next town over, they might not have
17 a city requirement. So she has to do all the research
18 from, you know, top down, make sure all, you know, T's
19 are crossed and I's are dotted. You know, no one gets
20 overlooked.

21 Q When CDI did projects in Chicago prior to
22 April of 2020, did CDI obtain the blasting permit?

23 A I was -- yes, but I wasn't specifically in
24 charge of any of those previous projects, but that's
25 what we do.

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1 Q And when CDI is contracted to provide
2 demolition services, does CDI provide any dust
3 mitigation plans or measures?

4 A No.

5 Q I'm sorry?

6 A Sorry. Sorry. Sorry. No.

7 Q Has CDI ever been contracted to provide dust
8 mitigation measures or services as a part of its
9 demolition services?

10 A No, not specifically. Have we been involved
11 in projects where we involved with the clean-up of the
12 dust, yes, but that's -- that's a business that we no --
13 no longer perform.

14 Q When did CDI stop performing that business?

15 A Again, same time on as before when we got out
16 of the main demotion contractor business.

17 Q And why did CDI stop performing that business
18 of dust clean-up?

19 A We're -- we're much smaller. We seem to get
20 smaller every year. Focus on what you do and there's
21 plenty of qualified people out there to prepare
22 buildings and clean them up after they're shot, so --

23 Q Do you play any role in working with other
24 companies to prepare buildings for demolition and clean
25 up afterwards?

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1 MR. RICE: I'm going to object for vagueness,
2 but if you understand the question, Ray, go ahead.

3 A The answer is no. We only prepare buildings
4 for us and no one else.

5 Q So let's turn now to this Crawford job. When
6 did CDI first submit a proposal for the Crawford
7 project?

8 A Their original proposals went out in 2015.

9 Q And who did that proposal go to?

10 A I'd have to look up, but there was probably
11 half a dozen bidders that contacted us back then.

12 Q And did you write the proposal that went out
13 in 2015?

14 A I believe so.

15 Q And what was the result of the -- that
16 proposal?

17 A That proposal was for boiler 7, boiler 8, and
18 the chimney associated with Unit 8. But that was a -- a
19 different -- nothing -- to answer your question, nothing
20 became of that proposal. The property was sold
21 afterwards and here we are today.

22 Q Is there a difference between submitting a
23 proposal and bidding on a project?

24 A No.

25 Q So you bid on the pro -- on Crawford in 2015

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1 and that bid was not accepted, correct?

2 A The job was -- wasn't accepted because that
3 version of the project never happened. When it was put
4 out to bid in 2015, it was still owned by the previous
5 owner, the power plant itself. I can't -- I don't
6 remember what the -- the group's name was, but they --
7 instead of tearing down the plant themselves, they sold
8 the property to Hilco. Hilco decided to take it over
9 from there. And that's when it came back around, MCM
10 asked us for numbers to find the boilers and the
11 chimney, but eventually, we just felled the chimney.

12 Q Okay. So when did you first get in contact
13 with MCM about the Crawford project?

14 A I think they contacted us late '19, probably.
15 Early 2020.

16 Q And who contacted you from MCM?

17 A Eric -- Eric Dovas.

18 Q And when he contacted you, what did he say?

19 A I'd have to reread the e-mail. Been a while.
20 Just asking for a number, I'm sure.

21 Q And when you say asking for a number, you mean
22 asking for a budget for demolition services?

23 A Yes. A price for us to do the blast.

24 Q And when you and Mr. Dovas spoke about a price
25 for the blast, did you know what he was asking to be

<p style="text-align: right;">Page 38</p> <p>1 blasted?</p> <p>2 MR. SMITH: Objection to form.</p> <p>3 A Yeah, it was -- sorry. It was the same --</p> <p>4 same scope as before. Unit 7 and Unit 8 and the Unit 8</p> <p>5 chimney.</p> <p>6 Q And did you submit a proposal to MCM for the</p> <p>7 blasting of Unit 7, Unit 8, and Unit 8 chimney?</p> <p>8 A Yes.</p> <p>9 Q When did you submit that proposal?</p> <p>10 A I'd have -- I'd have to look it up.</p> <p>11 Q Let's look at an Exhibit I'll mark as Exhibit</p> <p>12 1. Lindsay, would you mind pulling up what has one --</p> <p>13 the number 158 in front of it?</p> <p>14 (EXHIBIT 1 MARKED FOR IDENTIFICATION)</p> <p>15 COURT REPORTER: Yeah. Give me just one</p> <p>16 second. You said 158?</p> <p>17 MS. HAMILTON: Yes.</p> <p>18 COURT REPORTER: Okay.</p> <p>19 MR. RICE: Ray, do you have that for -- can you</p> <p>20 pull up 158, as well? Unless -- are you sharing</p> <p>21 that, Danielle? I'm not sure how we're doing this.</p> <p>22 COURT REPORTER: I'm going to share my screen.</p> <p>23 MS. HAMILTON: Lindsay's going to share it so</p> <p>24 he doesn't need to pull it up and so --</p> <p>25 MR. RICE: Thanks. I appreciate that. Thank</p>	<p style="text-align: right;">Page 40</p> <p>1 A There's just -- there's just too many.</p> <p>2 Hundreds and hundreds a year, so --</p> <p>3 Q Understood. Did you write this proposal, this</p> <p>4 October 20 -- 22, 2019 proposal to MCM?</p> <p>5 A You'll have to go to the signature. Most</p> <p>6 likely.</p> <p>7 MS. HAMILTON: Can you scroll down to the next</p> <p>8 page?</p> <p>9 A It'd be page 2 or 3 probably. Yep. No, Tom</p> <p>10 did. I'm sorry. Okay. That's why. Look.</p> <p>11 Q And who is Tom?</p> <p>12 A Tom's our field operations manager.</p> <p>13 Q And were you aware that Tom sent out this</p> <p>14 October 22, 2019 proposal?</p> <p>15 A Sure I was.</p> <p>16 Q Did you play any role in coming up with this</p> <p>17 proposal with Tom?</p> <p>18 A Yeah, I believe I did the estimate. We all</p> <p>19 wear many hats in this office. I'm vice president, but</p> <p>20 I'm also an estimator. Tom's operations manager, he's</p> <p>21 also an estimator. You know, we're all project</p> <p>22 managers. We all order explosives. We all handle the</p> <p>23 explosives. There's no specific job duty. So I might</p> <p>24 have been out of the office that day and Eric needed</p> <p>25 proposals, so Tom sent them out. But nothing goes out</p>
<p style="text-align: right;">Page 39</p> <p>1 you.</p> <p>2 MS. HAMILTON: No problem.</p> <p>3 COURT REPORTER: Can you see that?</p> <p>4 THE WITNESS: Yes.</p> <p>5 MS. HAMILTON: Yes. So yeah. Let me get the</p> <p>6 Bates stamp. So this is Exhibit 1, Bates stamped</p> <p>7 MCM Solis 004309 through -- can you go to the last</p> <p>8 page?</p> <p>9 COURT REPORTER: Yeah.</p> <p>10 MS. HAMILTON: At the very bottom so I can just</p> <p>11 mark the Bates stamp. Through MCM Solis 000 --</p> <p>12 0004316.</p> <p>13 BY MS. HAMILTON:</p> <p>14 Q So Mr. Zukowski, is this the first proposal</p> <p>15 that you submitted to</p> <p>16 MCM?</p> <p>17 A I'd have to look it up.</p> <p>18 Q What do you mean?</p> <p>19 A I'd have to pull a file. Again, in 2015, we</p> <p>20 sent half a dozen proposals to half a dozen contractors.</p> <p>21 And, you know, I -- I send out, you know, sometimes one</p> <p>22 time, sometimes six proposals a week so -- but without</p> <p>23 actually pulling the file, there's no way to see if I</p> <p>24 sent something before this.</p> <p>25 Q Okay.</p>	<p style="text-align: right;">Page 41</p> <p>1 without anybody else knowing about it.</p> <p>2 Q Okay. This proposal was, according to this</p> <p>3 document, accepted by Eric Dovas on November 15, 2019,</p> <p>4 correct?</p> <p>5 A Yes.</p> <p>6 Q And do you know what happened after this</p> <p>7 proposal was accepted?</p> <p>8 A Subcontract would've came shortly thereafter.</p> <p>9 I know I first visited -- so right after he accepted it</p> <p>10 was our first visit to the site. That's from that little</p> <p>11 sticky note I had. Again, we're offered drawings of</p> <p>12 everything, but, you know, once it's -- if we've never</p> <p>13 visited the site, we have to go visit the site to verify</p> <p>14 that the dimensions on the drawings are actually</p> <p>15 correct. So my first visit after it was signed was to</p> <p>16 verify that. Then I would come back with the data and</p> <p>17 then we would design the shot back here.</p> <p>18 Q And you went to the site for the first time in</p> <p>19 December of 2019, you said?</p> <p>20 A Yeah, I think it was December 11th.</p> <p>21 MS. HAMILTON: Okay. And can you pull up 393,</p> <p>22 please, Lindsay.</p> <p>23 Q I'm showing you Exhibit 2, which is Bates</p> <p>24 stamped MCM Solis 5435 through 5444. And this is a</p> <p>25 December 19, 2019 CDI proposal to Eric Dovas, correct?</p>

<p style="text-align: right;">Page 42</p> <p>1 (EXHIBIT 2 MARKED FOR IDENTIFICATION)</p> <p>2 A I knew I'd get my number on the boilers. It</p> <p>3 was just when. If you read it "based on our recent</p> <p>4 conversations, review the information you furnished and</p> <p>5 my recent site visit."</p> <p>6 Q So --</p> <p>7 A Yes.</p> <p>8 Q Okay.</p> <p>9 MS. HAMILTON: And then if you'll go to the</p> <p>10 second page, please, Lindsay?</p> <p>11 COURT REPORTER: Yep.</p> <p>12 MS. HAMILTON: Actually, the third page, sorry.</p> <p>13 BY MS. HAMILTON:</p> <p>14 Q And so this contract -- this proposal was</p> <p>15 signed by you, correct?</p> <p>16 A Yes.</p> <p>17 Q And is there a reason why you sent a second --</p> <p>18 or another proposal after the October 22, 2019 proposal</p> <p>19 to Eric Dovas at MCM?</p> <p>20 A Yes, because they asked us for a proposal.</p> <p>21 Q So after the October 22, 2019 proposal was</p> <p>22 accepted, they asked for another proposal?</p> <p>23 A Yes.</p> <p>24 Q And did this proposal differ in any way from</p> <p>25 the October 22, 2019 proposal?</p>	<p style="text-align: right;">Page 44</p> <p>1 mitigation measures?</p> <p>2 MR. DEVRIES: Object to the relevance that it's</p> <p>3 about work that CDI didn't even do.</p> <p>4 Q You can answer.</p> <p>5 A Dust, by contract, is excluded -- dust</p> <p>6 clean-up by contract is excluded from CDI's scope of</p> <p>7 work.</p> <p>8 Q Okay. After this -- was this</p> <p>9 December 22, 2019 -- I'm sorry, December 2019 proposal</p> <p>10 accepted by MCM?</p> <p>11 A No.</p> <p>12 Q Did you say no?</p> <p>13 A No. Was not accepted.</p> <p>14 Q Do you have any understanding as to why it</p> <p>15 wasn't accepted?</p> <p>16 MR. RICE: Object to --</p> <p>17 MR. DEVRIES: Object to foundation.</p> <p>18 COURT REPORTER: I'm sorry, who just made those</p> <p>19 objections?</p> <p>20 MR. DEVRIES: That's Edward DeVries for MCM</p> <p>21 objecting to foundation.</p> <p>22 MR. RICE: Andrew Rice, CDI, for speculation.</p> <p>23 MR. SMITH: Michael Smith for Hilco joins both</p> <p>24 objections.</p> <p>25 BY MS. HAMILTON:</p>
<p style="text-align: right;">Page 43</p> <p>1 A Yes. The first proposal was just for the</p> <p>2 chimney itself, and this was for the boilers.</p> <p>3 Q So the December 19, 2019 proposal proposed to</p> <p>4 blast more -- the more buildings, then, than the October</p> <p>5 22, 2019 proposal?</p> <p>6 A Yeah, the --</p> <p>7 MR. DEVRIES: Object to form.</p> <p>8 A -- the December proposal, they -- they -- they</p> <p>9 were getting ready to eventually wreck the boilers, and</p> <p>10 they wanted to see if it would be cheaper to do it using</p> <p>11 our services. And they decided to self-perform the</p> <p>12 boiler demolition.</p> <p>13 Q What does it mean that MCM -- you said they</p> <p>14 decided to self- perform the boiler demolition? What</p> <p>15 does that mean?</p> <p>16 A Yes, they -- and they did it without using</p> <p>17 explosives. The boilers were wrecked using their heavy</p> <p>18 equipment.</p> <p>19 Q Okay. Did you play any role in demolishing</p> <p>20 the boilers?</p> <p>21 A No.</p> <p>22 Q In this December 20 -- December 2019 proposal,</p> <p>23 did you propose to perform any dust mitigation measures?</p> <p>24 A No.</p> <p>25 Q Did you propose that MCM perform any dust</p>	<p style="text-align: right;">Page 45</p> <p>1 Q You can answer.</p> <p>2 A What was the question again, please?</p> <p>3 Q Do you have any understanding as to why this</p> <p>4 December 2019 proposal was not accepted by MCM?</p> <p>5 A No.</p> <p>6 Q Did you have any conversations about why the</p> <p>7 proposal wasn't accepted with MCM?</p> <p>8 A No.</p> <p>9 Q Okay.</p> <p>10 MS. HAMILTON: So you can take the exhibit</p> <p>11 down. Thank you, Lindsay.</p> <p>12 Q So after this December 2019 proposal was not</p> <p>13 accepted, when did you next hear from MCM related to the</p> <p>14 Crawford project?</p> <p>15 A I'd have to look it up. All correspondence is</p> <p>16 saved to the file, so there's an e-mail somewhere that</p> <p>17 came in.</p> <p>18 Q And what did that e-mail that came in say?</p> <p>19 A I -- hundreds of jobs. Years ago. I can't</p> <p>20 remember every e- mail.</p> <p>21 Q Well, eventually, you were contracted to</p> <p>22 provide demolition services for MCM, correct?</p> <p>23 A Correct.</p> <p>24 Q Do you know approximately when you were</p> <p>25 contracted to do that?</p>

<p style="text-align: right;">Page 46</p> <p>1 A Again, I'd have to -- contracts come in, I</p> <p>2 review them, I make modifications, I send them back, the</p> <p>3 client reviews them, they either accept or they come</p> <p>4 counter offer -- counter corrections. Again, I'd have</p> <p>5 to look when the first subcontract came in versus the</p> <p>6 final executed date, so --</p> <p>7 MS. HAMILTON: Okay. Lindsay, can you pull up</p> <p>8 159, please?</p> <p>9 COURT REPORTER: Yep. Give me just a second.</p> <p>10 Q This is Exhibit 3. This is a Controlled</p> <p>11 Demolition Incorporated preliminary plan and procedure</p> <p>12 dated, or prepared, December 19, 2019, Bates stamped</p> <p>13 CTRL 1937 through 1943. Did you create this preliminary</p> <p>14 plan and procedure?</p> <p>15 (EXHIBIT 3 MARKED FOR IDENTIFICATION)</p> <p>16 A I believe so.</p> <p>17 Q And was this submitted along with your bid in</p> <p>18 December of 2019?</p> <p>19 A I'd have to check the timeline, but typically,</p> <p>20 it's submitted after.</p> <p>21 Q So you -- typically, you submit a bid and then</p> <p>22 you submit a plan after the bid?</p> <p>23 A Yeah, after they accept the project, because</p> <p>24 sometimes plans get submitted with proposals to -- to</p> <p>25 expedite things if it's, you know, if that's what the</p>	<p style="text-align: right;">Page 48</p> <p>1 get it down to where it could be reached with a high</p> <p>2 reach excavator or crane is to put men climbing the</p> <p>3 chimney and putting scaffolding around it, collar</p> <p>4 scaffolding, using handheld rivet busters and breaking</p> <p>5 it up in tiny little pieces and pushing all that debris</p> <p>6 down the base of the chimney. You know, previous</p> <p>7 experience on jobs where that's been done, they --</p> <p>8 they're lucky if they get five feet a day, you know, so</p> <p>9 divide 378 by five, that tells me how many days you have</p> <p>10 men in the air, you know, doing extremely hard physical</p> <p>11 labor, where you can accomplish the same end result with</p> <p>12 chimney on the ground in a matter of days by explosives.</p> <p>13 Q And at this point in the December -- by</p> <p>14 December of 2019, did CDI offer conventional or</p> <p>15 mechanical demolition services?</p> <p>16 A No.</p> <p>17 Q Sorry. All right. When --</p> <p>18 MS. HAMILTON: You can take this exhibit down.</p> <p>19 Q When a building is demolished using explosive,</p> <p>20 what happens when the building hits the ground?</p> <p>21 MR. RICE: I'm going to object for vagueness,</p> <p>22 but I guess if you can answer the question, Ray, go</p> <p>23 ahead. But that seems a little broad.</p> <p>24 MR. SMITH: Hilco join.</p> <p>25 MR. DEVRIES: Join.</p>
<p style="text-align: right;">Page 47</p> <p>1 client requests. I -- I -- I don't know specifically if</p> <p>2 this went with or -- before or after.</p> <p>3 MS. HAMILTON: Okay. And can you go to page 2,</p> <p>4 please, Lindsay?</p> <p>5 Q So page 2 under introduction, the second</p> <p>6 paragraph reads, "CDI's explosive demolition methods</p> <p>7 will allow for a more efficient, time saving, and safer</p> <p>8 demolition operation as compared to conventional</p> <p>9 demolition methods." What are conventional mechanical</p> <p>10 demolition methods?</p> <p>11 A As I said earlier that the use of heavy</p> <p>12 equipment and -- and men with torches. Excuse me.</p> <p>13 Q And what makes CDI's explosives demolition</p> <p>14 method more efficient than conventional or mechanical</p> <p>15 demolition methods?</p> <p>16 A Well, that -- that's structure specific. If -</p> <p>17 - if you're looking at a 370-foot-tall chimney, you</p> <p>18 could send guys up there on scaffolding and take it down</p> <p>19 bit by bit and brick by -- by brick over months on end.</p> <p>20 Or you could use our services and have it felled in --</p> <p>21 in six seconds after the explosives are detonated, so --</p> <p>22 it's certainly safer.</p> <p>23 Q What makes explosive demolition safer?</p> <p>24 A Well, again, there -- there's -- you have two</p> <p>25 options. Three, kind of. At 378 feet, the only way to</p>	<p style="text-align: right;">Page 49</p> <p>1 BY MS. HAMILTON:</p> <p>2 Q You can answer.</p> <p>3 A For this project, our -- our scope was to fell</p> <p>4 the chimney, the chimney was on the ground, we inspected</p> <p>5 it, made sure there was no property damage or no</p> <p>6 undetonated explosives. We issued the all clear. Then,</p> <p>7 by contract, our job was done.</p> <p>8 MS. HAMILTON: Okay. Can we take a ten-minute</p> <p>9 break? I'm getting a phone call I need to answer.</p> <p>10 COURT REPORTER: Yeah. Let me get us off the</p> <p>11 record. The current time is 12:02 p.m. Eastern</p> <p>12 Standard Time, and we are off the record.</p> <p>13 (OFF THE RECORD)</p> <p>14 COURT REPORTER: All right. We are back on the</p> <p>15 record for the deposition of Raymond Zukowski. The</p> <p>16 current time is 12:12 p.m. Eastern Standard time on</p> <p>17 February 6, 2023. You may continue.</p> <p>18 BY MS. HAMILTON:</p> <p>19 Q So when a building is demolished using</p> <p>20 explosives, is dust generated?</p> <p>21 A Yes.</p> <p>22 Q And where does the dust go after an -- a</p> <p>23 demolition using explosives?</p> <p>24 MR. SMITH: Object to form.</p> <p>25 MR. RICE: Join.</p>

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1 MR. DEVRIES: Join.
 2 MR. RICE: You can still answer, Ray.
 3 A Well, dust is -- first off, dust is generated
 4 via any type of demolition. It's a unavoidable
 5 byproduct of demolition, whether it's done
 6 conventionally, manually, or via explosives. So it's
 7 just the -- the timeline of dust generation via
 8 explosives is shortened due to it's a one- time event.
 9 And where it goes, if -- if -- if I could predict that,
 10 I wouldn't be sitting in this chair. I'd -- I'd be a
 11 very wealthy weatherman somewhere because no one can
 12 predict the weather, which way -- where's the dust going
 13 to go, which way's the wind going to blow that day. You
 14 know, you got an idea in a long range forecast, but, you
 15 know, usually, you pick a shot date, you're two weeks or
 16 two months or six months out and -- and, you know, the
 17 dust goes where the wind will take it.
 18 BY MS. HAMILTON:
 19 Q Are there any other factors that affect where
 20 the dust goes other than wind?
 21 A Wind is the -- the, you know, humidity will
 22 have a slight impact on it, but not much. But wind is
 23 the -- the -- the -- the major factor where the dust
 24 ends up. We'll have -- we'll have dust in the immediate
 25 vicinity regardless, depending on the type of structure.

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1 But the -- the dust that travels, airborne dust is --
 2 is, you know, taken by the wind.
 3 Q And do you pick shot dates based on wind or
 4 weather factors?
 5 A No. And 99 percent of the times, our client
 6 picks the shot date.
 7 Q Have you ever obtained a shot date based on
 8 weather or wind conditions?
 9 A I have not, no.
 10 Q Do you normally check weather or wind
 11 conditions near the shot date?
 12 A Yes. Obviously, you want to know what the
 13 weather is. There's two things that prevent us from
 14 using explosives. The -- they say the -- the morning
 15 of, does the wind speed and direction or rain or snow or
 16 anything have any impact on what we do? The answer is
 17 no. What does, if there's thunder and lightning, by law
 18 and code, we're not allowed to blast during an active
 19 electrical storm, for obvious reasons. Yes, we check
 20 the weather.
 21 Q But if it's a particularly windy day, by law
 22 you're still able to use explosives, correct?
 23 MR. DEVRIES: Object to form. Vague as far as
 24 the windiness. You can answer.
 25 MR. SMITH: Join.

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1 MR. RICE: Join.
 2 BY MS. HAMILTON:
 3 Q You can answer.
 4 A Wind speed and direction does not come into
 5 play on most projects.
 6 Q Did wind speed and direction come into play on
 7 the Crawford project?
 8 A No, it did not.
 9 Q Did you check the wind speed or the wind
 10 direction for the Crawford project?
 11 A Probably. Again, I mean, we're all glued to
 12 our phones these days and you know, WeatherBug is
 13 something I look at regularly. Yeah. But you need to
 14 dress for the day, so got to check the weather.
 15 MS. HAMILTON: Okay. Let's look at 25 please,
 16 Lindsay.
 17 COURT REPORTER: All right.
 18 Q Okay. This is Exhibit 4, CDI Preliminary Plan
 19 and Procedure prepared February 19th -- or revised
 20 February 19, 2020. Bates stamp CTRL 14180 through
 21 14185. Did you prepare this Preliminary Plan and
 22 Procedure that was revised February 19, 2020?
 23 (EXHIBIT 4 MARKED FOR IDENTIFICATION)
 24 A Yes. Believe I did.
 25 Q And did it differ from the December 2019

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1 Preliminary Plan and Procedure?
 2 A I'd have to compare them side by side, but
 3 that one in December was for the boilers. And this is
 4 specific for the chimney, if I'm not mistaken. If you
 5 go to page 2, it may have a tentative shot date on there
 6 right in the first paragraph. Now -- and under
 7 Introduction, if we had a shot date, it would've been
 8 the last sentence in the first paragraph.
 9 Q So does that mean you didn't have a shot date
 10 by the time of this Preliminary Plan and Procedure in
 11 February '19?
 12 A Correct.
 13 Q 2020 or -- yeah, 2020?
 14 A That's -- that's correct. There should be
 15 another later revision with the shot date on it.
 16 Q And why did you revise the December 2019
 17 Preliminary Plan?
 18 A Well, sorry. You didn't finish that. The
 19 December, if I -- again, this -- I believe the one in
 20 December was specific to the boilers, which we were not
 21 contracted to do. And this is specific to the chimney,
 22 which we were contracted to do.
 23 Q Okay. And then can we go to page 6? Okay.
 24 On my copy, this -- the highlighted was part of what we
 25 -- what was produced. Did you -- did you highlight

<p style="text-align: right;">Page 54</p> <p>1 that?</p> <p>2 A No idea.</p> <p>3 Q Do you know if you highlighted or someone else</p> <p>4 at CDI highlighted it?</p> <p>5 A I couldn't say either -- either way. That's -</p> <p>6 - if you pull up all the plan and procedures that CDI</p> <p>7 sends out, that's last paragraph in every one, or a</p> <p>8 version thereof.</p> <p>9 Q Is it normally highlighted on your plan and</p> <p>10 procedures?</p> <p>11 A No, it's not.</p> <p>12 Q Okay. We talked about this a little bit, but</p> <p>13 I just want to be - - make sure I understand. This</p> <p>14 says, "Dust is an unpreventable byproduct of any type of</p> <p>15 demolition operation." Oh, sorry. "Dust, an</p> <p>16 unpreventable byproduct of any type of demolition</p> <p>17 operation, will last in the general vicinity for five to</p> <p>18 ten minutes following the demolition." Why is it the</p> <p>19 case that dust is an unpreventable byproduct of any type</p> <p>20 of demolition operation?</p> <p>21 A Whether you take a piece of concrete and hit</p> <p>22 it with a sledgehammer or -- or hit it with a hydraulic</p> <p>23 hammer or put a piece of dynamite in it, you're going to</p> <p>24 generate dust. There's no way to prevent it.</p> <p>25 Q Do certain methods of demolitions cause a</p>	<p style="text-align: right;">Page 56</p> <p>1 make dust. It's just a simple fact. If that concrete</p> <p>2 is broken up over a period of six months, it's far less</p> <p>3 noticeable because it's just tiny, tiny, tiny bits for a</p> <p>4 much longer period versus where our -- our scope of work</p> <p>5 comes in, it's generated instantly over an amount of --</p> <p>6 over seconds. We didn't create any more dust. The same</p> <p>7 amount of dust is created. It's just the -- the</p> <p>8 duration of time.</p> <p>9 Q Understood. And you said that this paragraph</p> <p>10 10 in your plan and procedure is included in all of your</p> <p>11 plan and procedures, correct?</p> <p>12 A It's standard language in our plan and</p> <p>13 procedure, yes.</p> <p>14 Q And why is it included in all of your -- a</p> <p>15 standard language in all of your plan and procedures?</p> <p>16 A It just is. It always has been.</p> <p>17 Q Is there a particular reason that you include</p> <p>18 that?</p> <p>19 A It just a -- a follow-up with a -- the plan.</p> <p>20 It starts off from the beginning of looking at it and</p> <p>21 talks about drilling, it talks about explosives, it</p> <p>22 talks about the countdown and conditions following the</p> <p>23 demolition. Structure's going to fall down over a</p> <p>24 certain amount of time and it's going to create dust.</p> <p>25 Q And this plan and procedure had no dust</p>
<p style="text-align: right;">Page 55</p> <p>1 higher volume of dust than others?</p> <p>2 A The same amount of dust is in that piece of</p> <p>3 concrete, whether you hit it with a hammer or hit it</p> <p>4 with a hydraulic hammer or a sledgehammer or a piece of</p> <p>5 dynamite. Dust is -- dust is created by the fracture of</p> <p>6 the concrete, so whether it's fractured over the long</p> <p>7 period of time or short period of time, that same -- as</p> <p>8 long as the same amount of fractures take place, the</p> <p>9 same amount of dust is produced.</p> <p>10 Q So does the use of explosives cause a higher</p> <p>11 volume of dust than a conventional or mechanical</p> <p>12 demolition method?</p> <p>13 A No.</p> <p>14 MR. SMITH: Objection. Foundation.</p> <p>15 COURT REPORTER: I'm sorry, who made that</p> <p>16 objection?</p> <p>17 MR. SMITH: Michael Smith. Thank you.</p> <p>18 BY MS. HAMILTON:</p> <p>19 Q So the same amount of dust would've been</p> <p>20 generated for the Crawford chimney regardless of the</p> <p>21 type of demolition -- regardless of the method of</p> <p>22 demolition; is that correct?</p> <p>23 A It's correct. It's -- and as I spoke of</p> <p>24 previous, it's -- it's the release time of that dust.</p> <p>25 Same amount -- again, you -- you break concrete, you</p>	<p style="text-align: right;">Page 57</p> <p>1 mitigation plan in it, correct?</p> <p>2 A Correct.</p> <p>3 Q Have you ever provided a dust mitigation plan</p> <p>4 in your plan and procedures for a project?</p> <p>5 A No, not specific. Again, our scope is to get</p> <p>6 it ready and knock it down at the request of our client.</p> <p>7 One of our conditions is the dust is yours. You know,</p> <p>8 we're not -- we're not forcing anybody to use our</p> <p>9 services, but the -- the byproduct of our services is</p> <p>10 the creation of the dust and -- and their clean-up of</p> <p>11 same, so --</p> <p>12 Q Do you recall having a specific conversation</p> <p>13 with MCM about dust related to the Crawford project?</p> <p>14 A No, I did not have any conversations.</p> <p>15 Q Okay. Let's look at another exhibit, Exhibit</p> <p>16 5. This is Exhibit 5, MCM Management Corporation</p> <p>17 Subcontract for Performance of Work with Subcontractor</p> <p>18 Control Demolition Incorporated. It's Bates stamped</p> <p>19 CTRL 14196 through 14213. And so this is the contract</p> <p>20 between MCM and CDI for the Crawford project, correct?</p> <p>21 (EXHIBIT 5 MARKED FOR IDENTIFICATION)</p> <p>22 A Correct.</p> <p>23 Q And on the bottom of the first page, you</p> <p>24 signed it on behalf of CDI, correct?</p> <p>25 A Correct.</p>

<p style="text-align: right;">Page 58</p> <p>1 Q On March 4, 2020?</p> <p>2 A Yes, that's the date.</p> <p>3 Q And Eric Dovas from MCM signed it on</p> <p>4 March 4, 2020 as well?</p> <p>5 A That's the date he wrote, yes.</p> <p>6 Q Okay. There are a number of initials</p> <p>7 throughout the contract. RDZ, did you make those</p> <p>8 initials? The RDZ initials?</p> <p>9 A Yes, those are my initials.</p> <p>10 Q There are also a number of strikethroughs</p> <p>11 through the contract. Did you make those strikethroughs?</p> <p>12 A Yes, I did.</p> <p>13 Q Okay. And there's also handwriting, for</p> <p>14 instance, in paragraph three. Is that your handwriting?</p> <p>15 A Yes, it is.</p> <p>16 Q Okay. Can you read what the handwriting says</p> <p>17 after -- in paragraph three?</p> <p>18 A "As limited by subcontractor's proposal</p> <p>19 (attached as Exhibit B)."</p> <p>20 Q Okay. And then under General Conditions on</p> <p>21 the next page in paragraph one, there's some other</p> <p>22 handwriting. Is that your handwriting?</p> <p>23 A Yes.</p> <p>24 Q And can you read that handwriting --</p> <p>25 A "To the extent of insurance provided by the</p>	<p style="text-align: right;">Page 60</p> <p>1 client will take -- take a -- you know, the first set of</p> <p>2 revisions, you know, as is. And sometimes they say,</p> <p>3 "Well, I -- I -- I'd like you to take this back and that</p> <p>4 back," but it -- it'd be in the file.</p> <p>5 Q Would it be easy for you to look up how many</p> <p>6 times the contract went back and forth?</p> <p>7 A Probably.</p> <p>8 Q Yeah. Would you mind doing that?</p> <p>9 A Hopefully I won't lose you.</p> <p>10 Q Hopefully not.</p> <p>11 A Some reason it's not letting me minimize this.</p> <p>12 Q I had the same problem.</p> <p>13 A Yeah, it's like I can't do anything.</p> <p>14 Everything I click on, nothing happens. Maybe it's</p> <p>15 because this exhibit is up. I'm not sure.</p> <p>16 MS. HAMILTON: Let's take this exhibit down for</p> <p>17 a minute, if you wouldn't mind, Lindsay. Thank you.</p> <p>18 A All right. That seemed to do the trick. This</p> <p>19 was project submittals. Came in -- their contract came</p> <p>20 in on February 21. I sent revisions over on the 24th,</p> <p>21 and it was executed on the -- so appears there was just</p> <p>22 one set of revisions.</p> <p>23 Q Okay. Thanks for looking that up. Can you</p> <p>24 put the exhibit back up please, Lindsay? So the other</p> <p>25 initials appear to say ED. To your knowledge, is that</p>
<p style="text-align: right;">Page 59</p> <p>1 subcontractor and limited herein."</p> <p>2 Q Okay. And then onto 2V, is that your</p> <p>3 handwriting as well?</p> <p>4 A Yes.</p> <p>5 Q And can you read what that says?</p> <p>6 A "Subcontractor will provide quotes for various</p> <p>7 limits."</p> <p>8 Q All right. And onto the next page, paragraph</p> <p>9 five. That's your handwriting that says "Illinois"?</p> <p>10 A Yes.</p> <p>11 Q Okay. And so why did you make the</p> <p>12 strikethroughs through the contract?</p> <p>13 A To make it consistent with the terms and</p> <p>14 conditions of our proposal. The items -- items</p> <p>15 scratched out are usually exceptions that we take in our</p> <p>16 proposal and if they're not struck through on a</p> <p>17 document, then they -- your proposal becomes moot.</p> <p>18 Q Okay. To your knowledge, did Eric Dovas make</p> <p>19 any edits to this contract?</p> <p>20 A Not that I recall. If -- if there were, it'd</p> <p>21 be in a different handwriting.</p> <p>22 Q And do you know how many times the contract</p> <p>23 went back and forth before it was signed on</p> <p>24 March 4, 2020?</p> <p>25 A No. Again, I'd have to look. Sometimes the</p>	<p style="text-align: right;">Page 61</p> <p>1 Eric Dovas' initials -- or sorry, did Eric Dovas initial</p> <p>2 this contract?</p> <p>3 A I'm assuming so. I wasn't -- I wasn't there</p> <p>4 to witness it, but --</p> <p>5 MR. DEVRIES: It's -- object to foundation.</p> <p>6 This is Ed DeVries. Sorry.</p> <p>7 Q And it looks like there's initials ED next to</p> <p>8 all of your handwritten additions; is that correct?</p> <p>9 A Yeah. So when I strikethrough something, I</p> <p>10 initial it to let them know that it was me. And they --</p> <p>11 when it comes back with the client's initials on it, it</p> <p>12 -- it means that they accept the strikethrough.</p> <p>13 Q Okay. So the client here accepted all of your</p> <p>14 edits to this contract, correct?</p> <p>15 A Yes.</p> <p>16 Q And so per this contract, who was responsible</p> <p>17 for dust mitigation efforts generated by the implosion</p> <p>18 of the Crawford chimney?</p> <p>19 A That would be MCM.</p> <p>20 Q And does that say -- does that -- do you know</p> <p>21 where that's stated in the contract?</p> <p>22 A It would be under CDI's general conditions.</p> <p>23 Probably GC9, I believe. Our proposal's attached to the</p> <p>24 subcontract. It'd be probably the third to the last</p> <p>25 page of this attachment.</p>

<p style="text-align: right;">Page 62</p> <p>1 MS. HAMILTON: Lindsay, can you go to the third</p> <p>2 to the last page?</p> <p>3 A Keep going. One more page. I'm sorry. Oh,</p> <p>4 we went too fast. One more up. Do you see -- there you</p> <p>5 go. Our conditions changes. Making sure I got the</p> <p>6 right one. If you could go to the next page please?</p> <p>7 MR. RICE: Yeah. For some reason it seems like</p> <p>8 you're missing a page in this document.</p> <p>9 THE WITNESS: Yeah. Because this is page -- if</p> <p>10 you -- I can't -- it's page blank of whatever. If</p> <p>11 you could scroll up. I just can't read it. It says</p> <p>12 --</p> <p>13 MR. DRISCOLL: This is Sean Driscoll for the</p> <p>14 record. It's Bates stamped, I think, correctly. So</p> <p>15 we -- this is production, right, that you produced?</p> <p>16 MS. HAMILTON: Yeah, this is -- this was</p> <p>17 produced to us, and the Bates stamped --</p> <p>18 MR. RICE: Well, what -- let me explain here</p> <p>19 for something. The exhibits that you produced today</p> <p>20 via the link has this complete copy. For some</p> <p>21 reason, the document you're pulling up right now,</p> <p>22 unless you can go back one page, that is the end of</p> <p>23 GC9 there prior to GC10, but for some reason the</p> <p>24 previous page did not have GC9 on it. I don't know</p> <p>25 why, but it's on the document you produced by the</p>	<p style="text-align: right;">Page 64</p> <p>1 through this, I think the pages might be out of</p> <p>2 order in this document. So if you look at page --</p> <p>3 the fourteenth page of the PDF, it says page 4 of 8.</p> <p>4 Scroll down, it says page 6 of 8. You scroll to the</p> <p>5 next one, it says page 5 of 8. So I think pages 5</p> <p>6 and 6 are out of order.</p> <p>7 MR. DEVRIES: Yeah, you need six of eight.</p> <p>8 THE WITNESS: GC9 right there.</p> <p>9 MR. RICE: Oh, I see it. Yeah. Okay. It's --</p> <p>10 obviously it's out order. Got you. Okay.</p> <p>11 THE WITNESS: Under -- yeah, continue down</p> <p>12 under second paragraph at GC9.</p> <p>13 BY MS. HAMILTON:</p> <p>14 Q Okay. And for the record, we produced this --</p> <p>15 or you know, this exhibit is -- was produced by CDI and</p> <p>16 it's Bates stamped. It appears to be out of order, but</p> <p>17 it's -- the Bates stamp is in order. Just the document</p> <p>18 itself is out of order. So GC9 is where --</p> <p>19 A Where the contract -- the -- the contractor</p> <p>20 agrees to be solely responsible for and agrees to defend</p> <p>21 and indemnify, blah, blah, blah, blah, blah. And it</p> <p>22 lists a myriad of things and one of those things is</p> <p>23 dust.</p> <p>24 Q And can you tell me where the paragraph --</p> <p>25 A One, two, three, four -- at the end of the</p>
<p style="text-align: right;">Page 63</p> <p>1 links, but it's not -- this is not the same -- can</p> <p>2 you go back one page there to page 16? See, for</p> <p>3 some reason that page is missing. I don't know</p> <p>4 what's going on with the shared document here. It's</p> <p>5 not the same as the one that you sent out earlier</p> <p>6 today.</p> <p>7 THE WITNESS: Yeah, you're missing GC7 and 8.</p> <p>8 This isn't --</p> <p>9 MR. RICE: Yeah, I don't --</p> <p>10 THE WITNESS: This is not complete.</p> <p>11 MR. RICE: Yeah.</p> <p>12 MR. DRISCOLL: Hold on. Andrew, what I would</p> <p>13 tell you is I'm looking at the link right now and</p> <p>14 I'm going down to the terms and GC9 is not included</p> <p>15 in that. So I don't know what link you're looking</p> <p>16 at, but the link that I received for documents</p> <p>17 today, which would be 5-CTRL014196 fully executed</p> <p>18 subcontract does not have that page in it.</p> <p>19 MR. RICE: I would disagree. I'm looking at it</p> <p>20 myself here. I've got --</p> <p>21 MR. DRISCOLL: I'm looking at it myself, too.</p> <p>22 MR. DEVRIES: I'm looking at it and I'm -- I</p> <p>23 see GC9. It's page 15 of 18.</p> <p>24 THE WITNESS: Yeah.</p> <p>25 MR. SMITH: And everyone, I think maybe to cut</p>	<p style="text-align: right;">Page 65</p> <p>1 fifth sentence, it said, "Time of CDI's operations, dust</p> <p>2 or smoke generated by the implosion; consequences of</p> <p>3 splash of soil, mud or debris resulting from CDI's</p> <p>4 felling in the structure."</p> <p>5 Q Did you discuss this particular provision with</p> <p>6 Eric Dovas of MCM?</p> <p>7 A It's not a revision. It was part of our</p> <p>8 original subcontract -- part of our original proposal.</p> <p>9 Excuse me.</p> <p>10 Q And there -- you didn't make any edits to this</p> <p>11 provision in the contract that was signed by you and</p> <p>12 Eric Dovas on March 4, 2020, correct?</p> <p>13 A No, this is a copy of the proposal that he</p> <p>14 signed off on initially.</p> <p>15 Q And then there are there other revisions in</p> <p>16 the Exhibit B contract?</p> <p>17 A On CDI's Exhibit B?</p> <p>18 Q Yes, to this?</p> <p>19 A Unless there's -- there's a strikethrough,</p> <p>20 then no. This is a copy of the proposal that went out</p> <p>21 for the project and was accepted by the client.</p> <p>22 Q And can you just scroll up, Lindsay, starting</p> <p>23 with GC1, Exhibit B. Oh, here it is. Exhibit A.</p> <p>24 Sorry, go -- sorry. You can stop on Exhibit A, Special</p> <p>25 Conditions. And those are initialed by you and Eric</p>

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1 **Dovas at the bottom, correct? This page?**
 2 A Yeah, this -- the -- the -- the -- the
 3 proposal that he signed off on or accepted, he initialed
 4 the proposal, was made part of the subcontract. It's
 5 just the -- this -- our subcontract was attached in as --
 6 -- as an exhibit to the proposal.
 7 Q Okay. And then --
 8 A The date -- the date he accepted this proposal
 9 should be under the signature page. If you go up one
 10 page, it should be there.
 11 Q Right.
 12 A No, keep going. One more page. He -- he
 13 accepted the proposal
 14 11-15-19.
 15 Q Okay. Can we go to the next page please,
 16 Lindsay, in this document? And this -- there's a
 17 revision there in paragraph five, correct?
 18 A Yes.
 19 Q And did you make that revision?
 20 A Yeah, they -- they, as in MCM, requested that
 21 we provide \$7 million general liability insurance.
 22 Q And did you provide \$7 million general
 23 liability insurance?
 24 A I believe so. I know there were some -- some
 25 change orders for additional insurance after the fact.

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1 I'd have to pull up, you know, those specific documents,
 2 but if I struck through and wrote seven, it was per
 3 their request. So if I find the insurance certificate,
 4 which I'm sure somebody has a copy of, we'll tell you
 5 the limits that we have.
 6 Q Okay. And then can you go to the next page
 7 please, Lindsay? This is Exhibit A, Special Conditions,
 8 and this is initialed by both you and Eric Dovas,
 9 correct, at the bottom?
 10 A Yes.
 11 Q And then can you go to the next page, Lindsay?
 12 And then Exhibit B, General Conditions, I think it says
 13 at the top. Wait, hold on. Let me -- yes. General
 14 Conditions continued.
 15 A Well, this is where we're out of order here.
 16 Q Right. Throughout Exhibit B, General
 17 Conditions, are there -- did you make any revisions?
 18 A Scroll through, please. Keep going. One more
 19 please. No, I don't see any revisions made.
 20 Q But you and Eric Dovas initialed every page of
 21 the Exhibit B, General Conditions, correct?
 22 A Yes. Back in -- he -- again, he signed it --
 23 he signed this in November. He -- he initialed it in
 24 November and sent it back. And I either initialed it
 25 and sent it back that day or initialed -- initialed it

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1 when it went out with the subcontract. I'm not sure.
 2 Q Okay. And who was -- for this contract, the
 3 whole contract, who was responsible for clean-up of post
 4 implosion dust or debris?
 5 A MCM.
 6 Q And where in the contract does that -- does it
 7 state that?
 8 A GC9. We just -- we were just there.
 9 Q Okay. Is there anywhere else in the contract
 10 where the -- there's a discussion of who's responsible
 11 for the clean-up of post implosion dust or debris?
 12 A I'd have to read the contract from beginning
 13 to end. There might be. The dust may be -- dust or
 14 debris may be mentioned somewhere else in our General
 15 Conditions. I think it's under "The contractor will" on
 16 our proposal that they'll be responsible for dust and
 17 debris. So if you go up to the third page of our
 18 proposal, keep going up please. All right. Oh, hang
 19 on. And it will. And scroll down. "Contractor will,"
 20 number five, "clean-up post implosion dust/debris to
 21 satisfaction, regulatory agencies, and or contractor's
 22 client."
 23 Q And did you discuss clean-up post implosion
 24 dust or debris with Eric Dovas prior to signing this
 25 contract?

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1 A No. CDI and MCM have -- have done numerous
 2 projects in the past that they're a well-versed
 3 contractor on -- on what to expect. And again, that's --
 4 -- it's not our job to tell them what to do.
 5 Q So at any time during the formation of this
 6 contract, did you discuss CDI being responsible for dust
 7 mitigation efforts for the implosion of the Crawford
 8 chimney?
 9 A No, I -- I never had those conversations.
 10 Again, it's -- it's not -- it's not our contract -- not
 11 in our contract. I'm sorry.
 12 Q Did you ever discuss CDI providing dust
 13 mitigation measures with anyone at Hilco?
 14 A No.
 15 Q Okay. And let's now look at Exhibit -- you
 16 show 121, please, which I believe is Exhibit 6?
 17 (EXHIBIT 6 MARKED FOR IDENTIFICATION)
 18 COURT REPORTER: Yes.
 19 MS. HAMILTON: And having the same issue of not
 20 being able to get out the Zoom. Hold on a second.
 21 COURT REPORTER: Do you want me to stop sharing
 22 real quick?
 23 MS. HAMILTON: Oh no, that's okay. I figured
 24 it out.
 25 MR. DEVRIES: You said this is 6?

<p style="text-align: right;">Page 70</p> <p>1 MS. HAMILTON: This is Exhibit 6.</p> <p>2 MR. DEVRIES: Oh, 120 -- no, I'm sorry. Okay.</p> <p>3 All right.</p> <p>4 COURT REPORTER: I'm sorry, who was that that</p> <p>5 just spoke?</p> <p>6 MR. DEVRIES: That was Edward DeVries. I was</p> <p>7 confused between the 6 and the 121. I'm</p> <p>8 straightened out, though.</p> <p>9 BY MS. HAMILTON:</p> <p>10 Q Okay. This is Exhibit 6, Crawford Generating</p> <p>11 Plant CGP, Final Exhaust Stack Reduction Submission,</p> <p>12 Crawford Generating Plant with a date of</p> <p>13 September 29, 2019. Bates stamped CTRL 2118 through</p> <p>14 2134. And Lindsay, if you wouldn't mind just scrolling</p> <p>15 through the exhibit slowly. My question for you,</p> <p>16 Mr. Zukowski, is have you ever seen this exhibit before?</p> <p>17 A Yeah, but just recently. I had no knowledge</p> <p>18 of it prior to the project.</p> <p>19 Q Prior to the Crawford project?</p> <p>20 A Yeah. Well, I -- I was never -- this document</p> <p>21 was never shared with me before we shot the chimney.</p> <p>22 Q Okay. So when did you see this document?</p> <p>23 A Andrew showed it to me.</p> <p>24 Q When did --</p> <p>25 THE WITNESS: Andrew, last week, was it? Two</p>	<p style="text-align: right;">Page 72</p> <p>1 Q Okay. Sorry. Let's look at page 5 actually.</p> <p>2 So page 5 under Section 2.4.4, Whole Structure</p> <p>3 Mechanical. This document reads, "This approach</p> <p>4 contains a variety of higher risk and potentially</p> <p>5 significant impacts, but each of these can be reduced or</p> <p>6 minimized through adequate preparation and planning.</p> <p>7 Moreover, this approach contains the ability to duration</p> <p>8 of effects of work and significantly reduce potential</p> <p>9 for hazardous working conditions -- condition for those</p> <p>10 involved." Do you agree with this recommendation for</p> <p>11 the type of demolition method to use for the Crawford</p> <p>12 project?</p> <p>13 MR. RICE: Object to the --</p> <p>14 MR. SMITH: Objection.</p> <p>15 MR. RICE: Go ahead. I'll go after you.</p> <p>16 MR. SMITH: Objection. Form. Foundation.</p> <p>17 COURT REPORTER: I'm sorry, who was it that's</p> <p>18 making those objections?</p> <p>19 MR. SMITH: It's Michael Smith for Hilco.</p> <p>20 MR. RICE: And Andrew Rice for CDI.</p> <p>21 MR. DEVRIES: And MCM joins.</p> <p>22 BY MS. HAMILTON:</p> <p>23 Q You can answer.</p> <p>24 A I'm reading through their -- whomever, again,</p> <p>25 their whole segmental reduction and whole structure</p>
<p style="text-align: right;">Page 71</p> <p>1 weeks ago?</p> <p>2 MR. RICE: I believe it may have been, yeah,</p> <p>3 January 16th perhaps.</p> <p>4 THE WITNESS: Okay.</p> <p>5 BY MS. HAMILTON:</p> <p>6 Q Okay. And so the first time you saw this</p> <p>7 document was in January of 2023?</p> <p>8 A Yes.</p> <p>9 Q Okay. So it was not provided to you prior to</p> <p>10 your development of the CDI plan for the Crawford</p> <p>11 project?</p> <p>12 MR. DEVRIES: I'm going to object to the form</p> <p>13 of the question that it assumes this document was</p> <p>14 able to be provided, but the witness can answer.</p> <p>15 A I was not provided this document.</p> <p>16 BY MS. HAMILTON:</p> <p>17 Q Okay. So looking at page 4 of this document -</p> <p>18 - well, first of all, this document was prepared by</p> <p>19 JEI/MTS. Are you familiar with JEI?</p> <p>20 A No, I am not.</p> <p>21 MR. DEVRIES: Objection to form.</p> <p>22 Q And are you familiar with MTS?</p> <p>23 A No, I am not.</p> <p>24 Q Has CDI ever worked with JEI or MTS before?</p> <p>25 A Not to my knowledge, no.</p>	<p style="text-align: right;">Page 73</p> <p>1 mechanical. I -- I've never even heard of these terms</p> <p>2 before. Obviously, someone not in the demolition</p> <p>3 industry probably was the author of this document. So -</p> <p>4 - so I -- I -- I -- I don't even -- I'm confused as to</p> <p>5 what they're even trying to say. So it's a term I've</p> <p>6 never heard of. Whole structural -- whole structure</p> <p>7 mechanical. Is that conventional? What -- what are they</p> <p>8 meaning? These are using terms that are not used in the</p> <p>9 demolition world.</p> <p>10 Q Okay. And do you know what segmental</p> <p>11 reduction means?</p> <p>12 A No. What are they talking? Are they talking</p> <p>13 about soft cutting it and picking it down in pieces or</p> <p>14 are they -- what is that? Is there a definition of it</p> <p>15 somewhere?</p> <p>16 Q Let's see --</p> <p>17 A Not -- not a demolition term that's used in</p> <p>18 our industry.</p> <p>19 Q Okay. All right. Let's go up to page 2.</p> <p>20 Under Section 2.1, Types of Potential Demolition</p> <p>21 Approaches. And so would you agree with the definition</p> <p>22 of deconstruction?</p> <p>23 MR. SMITH: Object to form.</p> <p>24 COURT REPORTER: Who was it that made that</p> <p>25 objection? I'm sorry.</p>

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1 MR. SMITH: Michael Smith, with Hilco.
 2 BY MS. HAMILTON:
 3 Q Maybe you guys could just say your names
 4 before you make an objection or after you make an
 5 objection, so the court reporter knows and doesn't have
 6 to ask every time. I appreciate that. You can answer
 7 the question.
 8 A Yeah, I mean, deconstruction's not a -- again,
 9 it's not a term widely used. This is -- this is manual
 10 demolition. Again, where the guy's got to climb all the
 11 way up to the top and use the little jackhammers and
 12 busters and bust it up and work their way down.
 13 Q And then do you agree with the definition of
 14 segmental demolition?
 15 A No. Could it be done? Are they -- again, are
 16 they talking about cutting it in chunks and lifting
 17 chunks off instead of little pieces? Sure, it could be
 18 done. It's not done. Certainly couldn't -- wouldn't be
 19 effective on this project.
 20 Q Why wouldn't it be effective on this project?
 21 A Try to find me a crane that can reach 378 feet
 22 that can pick up anything of -- of any size down.
 23 You're -- you're limited to the size of equipment that
 24 you have available.
 25 Q Has CDI ever --

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1 A Could -- could -- could it be done?
 2 Absolutely. But you'd spend a fortune, though.
 3 Q And has CDI ever done any segmental
 4 demolitions prior to April of 2020 to your knowledge?
 5 A Not to my knowledge, no.
 6 Q And then do you agree with the definition for
 7 whole structure reduction?
 8 A Reducing -- provides for reducing the stack in
 9 one piece, reducing, what, its height? Again, it's --
 10 it's not very clear what they're trying to get their --
 11 their point across here.
 12 Q And you said whole structure reduction is not
 13 a term used in the demolition industry?
 14 A Correct.
 15 Q And so has, to your knowledge, has CDI ever
 16 demolished something using a whole structure reduction
 17 method?
 18 A I've never said -- those words have never come
 19 out of my mouth, I'll tell you that. No, I'm not going
 20 to -- I'm not going to agree to say that we did when
 21 it's not a term that we use.
 22 Q Okay. So let's go to page 10, please. This
 23 says, "The effect of this degradation impacts both the
 24 selected approach as well as the methodology and timing
 25 of the actual demolition." And then Section 3.10 says,

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1 "Environmental. There are various environmental
 2 elements involved with stack demolition. Each of the
 3 three identified have been given consideration during
 4 the evaluation approach methodology. From the selected
 5 methodology, the following observations and controls
 6 have been compiled." So first is there -- did CDI
 7 consider these environmental elements of noise, dust,
 8 and debris in its plan for the felling of the Crawford
 9 chimney?
 10 MR. SMITH: Michael Smith for Hilco, objection
 11 to form.
 12 MR. DEVRIES: MCM will join.
 13 Q You can answer.
 14 A Noise, yes. If you look at our exclusion zone
 15 map that we generated, part of that exclusion zone is --
 16 is based on how loud it's going to be. Because if -- if
 17 -- OSHA has a -- a -- a threshold of how loud you can
 18 subject third parties to or workers to without providing
 19 hearing protection. And that's based on a calculation
 20 of how many pounds of explosives are going off in any
 21 one delay. And that was taken into consideration in an
 22 exclusion zone. And it was also confirmed by our post
 23 shot readings of the, you know, of -- of the event by
 24 the size of the graphs that we set up.
 25 Q What about dust and debris?

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1 A Dust --
 2 Q Was dust considered by CDI?
 3 A Again, dust is not CDI's responsibility. And
 4 people -- we don't force people to use us. They call us
 5 because it's usually a quicker and more effective way.
 6 But part of that quicker and effective way is the -- is
 7 the -- is dealing with the dust, so no to dust. And
 8 debris in certain circumstances, sure. If I had to
 9 worry about debris from the -- the -- from the shot
 10 impacting structures to remain, then it would be, you
 11 know, maybe we could take the structure a different way
 12 or you have to put some protection up. But yeah, noise,
 13 certainly. Dust, no. Debris, sometimes.
 14 Q For the Crawford plant or Crawford chimney
 15 specifically, was there anywhere in your plan that
 16 accounted for debris or debris?
 17 A No, because again, what time we shot the
 18 chimney, most everything around it was wrecked or -- or
 19 soon to be wrecked. And, you know, we had a clear open
 20 fall path, and the -- the structure went exactly where
 21 it was supposed to go. And again, debris stayed right
 22 there on the job.
 23 Q Okay. So 3 -- 3.10.2 reads, "The stack is
 24 constructed of concrete with interior layers of
 25 insulation and steel. The dust arising will only

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1 minimally, -- minimally be the product of concrete
2 structural disintegration, but more likely soil impact.
3 For that reason, JEI/MTS recommend attempting to time
4 the reduction and impact immediately after a large
5 precipitation event (preferably in excess of one inch)."

6 Do you agree with JEI/MTS' recommendation?

7 MR. DEVRIES: Object.

8 A No, because -- no, because you pick a date,
9 and is it going to rain an inch the day before? What if
10 the -- what if there's no rain in the forecast for --
11 for two weeks or a month? What if this job was in
12 Nevada? I mean these people couldn't write these
13 things.

14 MR. DEVRIES: And this is MCM. I was just
15 going to object again to using this particular
16 document to identify any supposed recommendation.

17 MR. SMITH: Hilco joins.

18 MR. RICE: CDI joins.

19 A I mean, I join, too. This is -- I've never
20 seen this until recently and I don't know who these
21 people are and what their skills or qualifications are,
22 but they're using -- they're using stuff that us -- us
23 demo guys don't use.

24 BY MS. HAMILTON:

25 Q So did CDI attempt to time the demolition of

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1 the Crawford chimney after a large precipitation event?

2 A No.

3 Q Did CDI ever consider timing the demolition of
4 the Crawford chimney after a large precipitation event?

5 MR. RICE: I'm -- Andrew Rice. I'm going to
6 object based on the assumption that CDI had some
7 involvement in picking the date. Go ahead, Ray.

8 A Agreed. The date was chosen by MCM in concert
9 with Hilco and the City about what day worked best for
10 them for the closure of Pulaski Highway or Pulaski Road.
11 Excuse me. And they came back to us to say, are you
12 available on this date? And we said yes.

13 MS. HAMILTON: Okay. I'm sorry, Lindsay, could
14 you read back my question?

15 COURT REPORTER: Yep. Give me just one moment.
16 Please stand by.

17 (REPORTER PLAYS BACK REQUESTED QUESTION)

18 COURT REPORTER: Do you need me to play it
19 again?

20 BY MS. HAMILTON:

21 Q No, that's okay. So did CDI play any role in
22 the timing of the event of the Crawford chimney
23 demolition?

24 A None other than our availability -- our
25 availability to do it on the date and time requested.

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1 Q Okay. This document, the MTS document, goes
2 on to read, "This will have saturated the soil to a
3 depth of at least four inches and result in the lowest
4 level of dust other than if accomplished during the
5 winter with the ground frozen or covered with snow.
6 Timing considered -- considering wind direction for the
7 reduction will also be employed. The most important
8 component of this approach is sufficient wetting.
9 Chicago Department of Public Health has warned in a
10 response to evaluation of this plan that 'No matter how
11 much water is believed to be needed, we would need more
12 than that.' JEI/MTS has duly consider this element and
13 contained in Section 5.0 are the amplified responses to
14 the CDPH warning." Do you agree with CDPH'S warning?

15 MR. DEVRIES: I'm going to, again, object to
16 the use of this 29 September document for
17 questioning. That's MCM.

18 MR. RICE: Andrew Rice, CDI. I will join.

19 MR. SMITH: Hilco. Also add the form and
20 foundation objection, joins previous objections.

21 BY MS. HAMILTON:

22 Q You can answer.

23 A Do I agree with the CDPH statement? Again,
24 I've never seen this document until just recently, so I
25 don't know who the author is and -- and what their

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1 qualifications are or what communications they have with
2 outside agencies. So I do not agree. I can't agree.
3 I'm -- I'm -- I'm not in a position to agree.

4 Q As you sit here today, do you agree with the
5 notion that following an the -- an implosion of the
6 Crawford chimney, that no matter how much water is
7 believed to be needed, we would need more than that?

8 MR. RICE: Objection. Asked and answered.

9 MR. SMITH: Hilco joins.

10 MR. DEVRIES: MCM joins and will also object to
11 form as far as "more than that."

12 BY MS. HAMILTON:

13 Q You can answer.

14 A It's -- it's impossible for me to say how much
15 water is -- is required. If these people were so smart,
16 they should have told us. And -- and you know, again, I
17 don't know who these people are and -- and what their
18 qualifications are, but --

19 Q When you mean -- when you say, "these people,"
20 who are you referring to?

21 A The author of this document. Who are they?
22 What do they do for a living? What are their -- what
23 are their qualifications on explosives demolition? I've
24 been doing this a long time. I've never heard of them.

25 Q Did you have any conversations with the

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1 Chicago Department of Public Health regarding the
 2 Crawford project?
 3 A No.
 4 Q In your past demolition work in Chicago, have
 5 you been in contact with the -- or did you have any --
 6 had you been in contact with the Chicago Department of
 7 Public Health?
 8 A Not me personally, no.
 9 Q Has anybody at CDI been in contact with the
 10 Chicago Department of Public Health for prior CDI
 11 projects in Chicago?
 12 A I have no way of answering that.
 13 Q So you don't know one way or the other?
 14 A I -- yeah. Again, who was -- who was speaking
 15 to who and when? I mean, there's no way I have any --
 16 any knowledge of any of those conversations.
 17 Q Do you agree that sufficient wetting is the
 18 most important component to minimize dust following an
 19 implosion?
 20 MR. RICE: Objection for vagueness. But go
 21 ahead, if you understand the question.
 22 A No, it's -- it's -- sorry. It's -- it's a --
 23 it's a -- the question is vague and -- and define
 24 sufficient wetting. If they're -- they wanted to wait
 25 for a torrential downpour and now you've actually made

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1 the -- you -- you -- four inches of -- saturate the soil
 2 to a depth of at least four inches, these people
 3 obviously don't know what they're talking about because
 4 if -- that's mud and now when the chimney lands on the
 5 ground, you just created a mud wave, which is a giant
 6 displacement of -- of dirt and rocks and plus the debris
 7 of the chimney itself. Now you've given the -- the
 8 chimney and the ground a vehicle to send particles
 9 flying through the air other than dust. It's a bad
 10 recommendation in my opinion.
 11 Q Do you believe that wetting the ground before
 12 an implosion plays any role in -- well, actually strike
 13 all that. In prior demolitions, have you ever
 14 considered wetting the ground before a demolition to
 15 minimize dust?
 16 MR. RICE: I'm sorry. Andrew Rice. I'm
 17 objecting just to the fact that they -- CDI has
 18 stated they don't do this but go ahead.
 19 MR. SMITH: Michael Smith, Hilco, object to
 20 form and join previous objection.
 21 MR. DEVRIES: MCM will join.
 22 BY MS. HAMILTON:
 23 Q You can answer.
 24 A It's standard practice to wet the ground,
 25 whether you're blasting the structure or taking it down

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1 conventionally in the haul roads, it's -- you know.
 2 Does wetting the ground help? But it -- it does zero to
 3 stop the dust from the fracture of the concrete.
 4 There's -- it's physically impossible to wet the inside
 5 of a 18-inch thick piece of concrete. You can -- you
 6 can spray all the water you want, but you'll -- you'll
 7 never -- the water will never penetrate the concrete
 8 fully. It just can't happen. So does it help with dust
 9 from the ground? Sure, it does, but it does absolutely
 10 zero for the dust from the concrete itself. You got to
 11 remember there's dust from the chimney itself, the
 12 concrete and the brick, and the ground, which is the
 13 ground. They're not the same, so --
 14 Q And when you say standard practice to wet the
 15 ground before demolition, is that a practice that CDI
 16 performs?
 17 A No, again, dust is not our responsibility. If
 18 you go to any major demolition project in Chicago or
 19 anywhere else in this country, you'll always see a water
 20 truck run around all day wetting down the haul roads,
 21 spraying water on what they're wrecking. It's just
 22 standard practice. So, you know, can you -- can you
 23 completely mitigate the dust? No, but you can try. And
 24 if you can make the attempt why, you know, make the
 25 attempt. If it helps, great. If it, you know, it

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1 doesn't, it doesn't.
 2 Q Are you aware whether or not the ground was
 3 wet -- wetted before the Crawford chimney demolition?
 4 MR. SMITH: Object to form. Michael Smith for
 5 Hilco.
 6 Q You can answer.
 7 A I knew they had water trucks. They, as in
 8 MCM, had water trucks or -- or truck or trucks. Not --
 9 I don't remember if it was one or two. And did they wet
 10 the area? Yes, I believe, and I believe they had the
 11 DustBosses set up. You know, only -- only concern with
 12 the trucks is at a certain point in time we have to cut
 13 them off because we have to make the final connections
 14 to the chimney with our -- our lead line. We can't have
 15 trucks running over it for obvious reasons. So -- but I
 16 -- I'm 99 percent sure that they did have water trucks
 17 that day and that the fall area was wet.
 18 Q Did you say the default area?
 19 A The fall area, yes.
 20 Q The fall area. And if the fall area hadn't
 21 been wetted -- wet, would you have still been able to do
 22 the demolition?
 23 A Yes.
 24 Q So there's no requirement that the fall area
 25 is wet before a demolition occurs, correct?

<p style="text-align: right;">Page 86</p> <p>1 A There's not a CDI requirement. I'm -- if</p> <p>2 there's something localized, some local provision for</p> <p>3 it, then you know, yes, it could be. But not for us on</p> <p>4 this project, no.</p> <p>5 Q So on this particular project, you were not</p> <p>6 required to stop the demolition if the ground wasn't</p> <p>7 wet, correct?</p> <p>8 A Correct.</p> <p>9 Q And when you said it was standard practice to</p> <p>10 wet the fall area before a demolition, in this case, who</p> <p>11 would've been responsible for wetting the ground before</p> <p>12 a demolition, if not CDI?</p> <p>13 A MCM.</p> <p>14 Q Okay. Did you have any discussions with MCM</p> <p>15 about wetting the fall area before the demolition?</p> <p>16 A Again, only as to when their trucks would stop</p> <p>17 so it wouldn't interfere with us making the final</p> <p>18 connections to the chimney.</p> <p>19 Q Okay. Go to page 15. 15, Section 5.0, is</p> <p>20 post demolition dust control. And this reads, "In order</p> <p>21 to" -- third paragraph. "In order to achieve this,</p> <p>22 JEI/MTS has arranged collaborative agreements with five</p> <p>23 Chicago Fire Department CFD battalions to support this</p> <p>24 demolition effort with up to 24 total engines, trucks,</p> <p>25 and water tankers to assist in limited what may be an</p>	<p style="text-align: right;">Page 88</p> <p>1 dust is generated. So again, I -- I -- I agree with</p> <p>2 everybody else. This document, I don't know where it</p> <p>3 came from. I've been doing this 27 years and my god, 24</p> <p>4 firetrucks? What if there was an emergency in the city</p> <p>5 for god's sakes. That's -- that's, yeah. I mean that's</p> <p>6 a ridiculous amount of -- there -- there was two fire</p> <p>7 trucks when we did this, and the City was involved with</p> <p>8 the permitting from day one. So I -- I don't know</p> <p>9 where this document came from and who said it was going</p> <p>10 to -- who -- who -- where were these other 22 firetruck</p> <p>11 during the day if JEI had all these conversations?</p> <p>12 Q Did you have any conversations with the</p> <p>13 Chicago Fire Department regarding trucks for the</p> <p>14 Crawford demolition?</p> <p>15 A No.</p> <p>16 Q Did you have any conversations with MCM about</p> <p>17 using firetrucks for the Crawford demolition?</p> <p>18 A No.</p> <p>19 Q Do you agree that the Crawford chimney</p> <p>20 demolition may be an extremely pervasive dust event?</p> <p>21 MR. DEVRIES: This is MCM. I'll object to</p> <p>22 form. Foundation, vague.</p> <p>23 MR. RICE: Andrew Rice, CDI will join.</p> <p>24 MR. SMITH: Hilco joins.</p> <p>25 BY MS. HAMILTON:</p>
<p style="text-align: right;">Page 87</p> <p>1 extremely pervasive dust event. These will be augmented</p> <p>2 by additional water trucks levied expressly for the</p> <p>3 event. However, the primary rationale for mechanical</p> <p>4 demolition, which allows more acute timing control is to</p> <p>5 repair the reduction during fair weather and then to</p> <p>6 demolish the stack during a heavy rain event, allowing</p> <p>7 nature to assist with the dust control." Do you agree</p> <p>8 that demolishing the stack in a heavy rain event would</p> <p>9 allow nature to assist with dust control?</p> <p>10 A No --</p> <p>11 MR. DEVRIES: This is -- go ahead, Michael.</p> <p>12 MR. SMITH: Michael Smith for Hilco, objection.</p> <p>13 Form and foundation.</p> <p>14 MR. DEVRIES: MCM joins. Also, again,</p> <p>15 objecting to just even the use of this document.</p> <p>16 It's inappropriate.</p> <p>17 MR. RICE: Andrew Rice, CDI will join as well.</p> <p>18 BY MS. HAMILTON:</p> <p>19 Q You can answer.</p> <p>20 A Rain does zero to -- to knock the dust down.</p> <p>21 Not -- I'm not going to say zero. It does almost zero.</p> <p>22 Again, all the dust generated by the fracture of the</p> <p>23 concrete, the rain can't penetrate the concrete, nor can</p> <p>24 it prevent that dust and nor can it palliate it in the</p> <p>25 amount of time in -- in the short duration of how much</p>	<p style="text-align: right;">Page 89</p> <p>1 Q You can answer.</p> <p>2 A No, it was just same -- this was no different</p> <p>3 than the hundreds of chimneys that we've done prior to,</p> <p>4 as respects dust, so --</p> <p>5 Q So prior to the demolition of the Crawford</p> <p>6 Chimney, you didn't believe that it would be an</p> <p>7 extremely pervasive dust event, correct?</p> <p>8 A Correct.</p> <p>9 Q If under the CDI -- actually strike that.</p> <p>10 We'll -- let's show 160, please. This is Exhibit 7,</p> <p>11 Bates stamped CTRL 81 through 80 -- let's see, is that</p> <p>12 86, I think? 88. This is an e-mail from Jennifer L.</p> <p>13 Renteria on behalf of Raymond D. Zukowski. Who's</p> <p>14 Jennifer L. Rent -- I don't know how to pronounce her</p> <p>15 last name. Renteria?</p> <p>16 (EXHIBIT 7 MARKED FOR IDENTIFICATION)</p> <p>17 A She's -- she's one of the assistants here.</p> <p>18 Q And she sent this e-mail on your behalf,</p> <p>19 correct?</p> <p>20 A Correct.</p> <p>21 Q And in this e-mail, you are sending Eric CDI's</p> <p>22 revised preliminary plan and procedure and exclusion</p> <p>23 zone drawing, correct?</p> <p>24 A Yes.</p> <p>25 Q And then go -- can you go to the last page of</p>

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1 this document? Okay. Is this the exclusion zone
 2 document?
 3 A Hard to tell, it's not in color, but I can see
 4 the outline of the lines that match my exclusion zone.
 5 Yes.
 6 Q And what is an exclusion zone?
 7 A As it say -- as it states, it's -- it's where
 8 people are not allowed inside -- out -- inside the --
 9 the -- the line, you know, or on their roofs to watch,
 10 to keep them -- mostly to keep them from being exposed
 11 to the 140 DBL. Then it also stretches on the north and
 12 south end to catch the road closure at the
 13 intersections.
 14 Q And who created this exclusion zone document?
 15 A I started it and then there were some requests
 16 to modify it and make it larger, which was fine with me,
 17 larger the better. And then ultimately it was changed
 18 to add the locations of the DustBosses and the command
 19 posts and all that, but I didn't make those changes.
 20 Q Do you know who did make those changes?
 21 A Yes, Eric Dovas.
 22 Q Did you instruct Eric Dovas to make those
 23 changes?
 24 A No, it was based on a -- I -- he and I spoke
 25 about it and he added it and he sent it to me. Said,

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1 "Per our" -- you know, "Per our conversation, attached,
 2 please find." And -- and I didn't take any objections
 3 to it.
 4 Q Did you have an understanding as to why Eric
 5 was making those changes?
 6 A I -- I believe it had to do with Hilco's or
 7 MCM's submittal to the City. But again, they -- they --
 8 they added where the command post was be -- was going to
 9 be and where the firetrucks were going to be and where
 10 the DustBosses were going to be, so I didn't feel that
 11 was anything that I needed to object to.
 12 Q Did you have any input on where the DustBosses
 13 or any of the other changes to the exclusions of
 14 document, like where the location of those items would
 15 be?
 16 A No, it was not my decision.
 17 Q Did you give any input on the location of
 18 Eric's additional additions to the exclusion zone
 19 document?
 20 A No, I think he asked if he could put the
 21 command post where it was, and since it was outside of
 22 my red line, I didn't -- I didn't take any objections to
 23 it. It seemed like a decent place to have it.
 24 Q Does the exclusion -- does this exclusion zone
 25 document take into account dust migrating off-site?

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1 A No, it does not.
 2 Q Are you aware of whether Hilco made any edits
 3 to the exclusion zone document?
 4 MR. SMITH: Michael Smith, Hilco, object to
 5 foundation and form.
 6 Q You can answer.
 7 A I have no knowledge of Hilco modifying the
 8 document. No.
 9 Q Okay. Can you pull up 33, please, Lindsay?
 10 So this is an e-mail -- sorry, this is Exhibit 8 and
 11 this is an e-mail. Sorry, it's Bates stamp CTRL 381 to
 12 382. And this is an e-mail from you to Carol Groft,
 13 correct? On April 3, 2020?
 14 (EXHIBIT 8 MARKED FOR IDENTIFICATION)
 15 A Yes.
 16 Q And scrolling down, there's an e-mail on this
 17 exhibit from Nicholas Pullara to you on April 3rd,
 18 subject, Crawford Chimney Exclusion Zone Community,
 19 correct?
 20 A Correct.
 21 Q And the e-mail says, "Ray, as discussed, we
 22 prefer to make the attached elements to the original
 23 chimney exclusion zone to include in the community
 24 notice. If we can make the edits by 2:00 p.m. CST, it
 25 would be greatly appreciated, and feel free to call me

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1 with any questions." And did you --
 2 A Oh, yeah, because this is a -- if you scroll
 3 down, this is -- he asked for one without our company
 4 logo on it. If you -- if you go to the attachment, he
 5 wanted us to remove the title walk in the corner.
 6 Q And he wanted you to remove Notes paragraph
 7 one, correct?
 8 A Yes.
 9 Q And he also wanted you to remove the warning,
 10 correct? The warning paragraph?
 11 A Yeah. That's about having it sent out without
 12 CDI's permission. Yes.
 13 Q And did you allow him to remove those -- these
 14 items?
 15 A Yeah, yeah. I remember -- yeah, we talked
 16 about it.
 17 Q Let me ask the question first before you
 18 answer, just so we have a clear record. You know where
 19 I'm going, but -- you can go ahead and answer.
 20 A Yeah. We didn't take any exception. You
 21 know, there -- there's -- if you're going to have a map
 22 out within a community notice, there's no reason why
 23 they need to know CDI's file number or anything like
 24 that that was in the title block. It just cleans up the
 25 document. We -- we felt that it wouldn't make any

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1 difference if it was -- you know, people should know
2 what the exclusion zone is or where they can or can't
3 be. But do they need to know, you know, who generated
4 it or who the client is and what the date was or
5 revision was? No, those things are irrelevant.

6 Q Are you aware of Hilco, of anyone at Hilco,
7 making any other edits to the exclusion zone document?

8 A No.

9 Q And you did not instruct Nick Pullara to make
10 these modifications to the exclusion zone document,
11 correct?

12 A Correct. He asked me if he could.

13 Q So who normally sees the exclusion zone
14 document on an -- a demolition project?

15 A Typically, obviously, my client does, and
16 their client and the -- any regulatory agencies involved
17 with the road closures or permitting.

18 Q And why do you have to share with any
19 regulatory agencies that's involved in permitting?

20 A They -- they're -- they have a right to know
21 what's going on, and the City of Chicago has specific
22 regulations as respects use of explosives in the city
23 limits, and if you have to close public right of ways,
24 you know, is that done by the DOT? Is it done by the
25 police? Is it done by the sheriff? That's all decided

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1 at the local level. Those are outside of my scope of
2 work. But, you know, we send out our suggested
3 exclusions zone, and so a lot of times, it gets modified
4 based on, you know, the -- whomever's in charge of the
5 road closure says, "No, no, no, no. Let's move that
6 road closure back here. That way, people can turn
7 around easier, and it's less -- less of an impact to the
8 community." You know, we -- we give them the minimum,
9 and usually it gets expanded based on, you know, the
10 locality and who's actually in charge of the closures.

11 Q Let's show -- can we look at 35, please? So
12 this is Exhibit 9, Bates stamped CTRL 307 to 308, and
13 this is an e-mail from Eric Dovas to you and Jennifer,
14 correct?

15 (EXHIBIT 9 MARKED FOR IDENTIFICATION)

16 A Yes.

17 Q On April 2, 2020?

18 A Yes.

19 Q And it says, "Hello, Ray and Jennifer.
20 Attached is CDI's exclusion zone with a few
21 modifications I added per the phone meeting yesterday.
22 The west exclusion zone line is supposed to be moved
23 plus or minus 300 feet toward the west. Can you use the
24 attached file and modify while keeping my modifications?
25 If so, please complete and return at your earliest

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1 convenience." Did you modify the document after
2 receiving this e-mail from Eric?

3 A I believe he -- he -- he put the mods on, and
4 it just went out as is because -- can you go to the
5 attachment, please? Yeah, I'd have to -- whether we
6 took his -- yeah, we may have taken the -- the title,
7 where he put the boxes, where it's a command center at --
8 - and DustBosses and road closures within, I'm not sure
9 if they made it out to the final or not.

10 MS. HAMILTON: Lindsay, is there a way to
11 switch the rotation of the document so that it's
12 landscape?

13 COURT REPORTER: Let me see. I don't know.

14 Let me try. Oh, I had it. There we go.

15 MS. HAMILTON: Yep, that's great. Thanks.

16 Q So did you make the additions of the red boxes
17 that have text in them?

18 A No, that was Eric.

19 Q Okay. And did you have any conversations with
20 Eric about him adding the red boxes and the text in
21 them?

22 A Obviously, we had a conversation. I don't
23 recall if it was specific to the text inside the boxes.
24 I know we talked about putting the command center on
25 there and making the commands, the -- the exclusion zone

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1 300 foot farther to the west, again, which is okay with
2 me.

3 Q Did you instruct Eric where to put the
4 firetrucks in this document?

5 A No.

6 MR. RICE: Objection. Asked and answered but
7 go ahead.

8 A No.

9 Q Did you instruct Eric to put -- where to put
10 the DustBoss and water truck at each side of the chimney
11 --

12 MR. RICE: Objection. Asked and --

13 Q -- on this exclusion zone part of this
14 document?

15 MR. RICE: Sorry. I apologize. Andrew Rice,
16 CDI. Objection. Asked and answered. Go ahead, Ray.

17 A No, we had -- we did not -- he did not ask me
18 where to put them, nor did I tell him.

19 Q Are you familiar with Aaron Fitch of MCM?

20 A Yes.

21 Q Did you instruct him to make any modifications
22 of the exclusion zone document?

23 A No, I don't recall. Eric was -- or Aaron was
24 barely involved with this project.

25 Q So I just want to make sure I understand your

<p style="text-align: right;">Page 98</p> <p>1 answer. Do you not recall if you did or didn't have a</p> <p>2 conversation with Aaron Fitch, or did you not have a</p> <p>3 conversation with Aaron Fitch?</p> <p>4 A Did I have a conversation where I gave him</p> <p>5 authority to change the exclusion zone drawing? The</p> <p>6 answer is no, if that was your question.</p> <p>7 Q Did you have any conversations with Aaron</p> <p>8 Fitch about making any changes to the exclusion zone</p> <p>9 document?</p> <p>10 A No.</p> <p>11 Q And you did not instruct Aaron Fitch to make</p> <p>12 any changes to the exclusion zone document, correct?</p> <p>13 A No.</p> <p>14 Q No, that's not correct?</p> <p>15 A Aaron and I, to the best of my recollection,</p> <p>16 never had any conversation regarding the exclusion zone</p> <p>17 document.</p> <p>18 MS. HAMILTON: Okay. Okay. You can put the</p> <p>19 exhibit down. Thank you, Lindsay.</p> <p>20 COURT REPORTER: I'm sorry?</p> <p>21 MS. HAMILTON: You can put the exhibit down.</p> <p>22 BY MS. HAMILTON:</p> <p>23 Q Did you have any conversations with anyone at</p> <p>24 MCM about where the dust would migrate to you after the</p> <p>25 implosion of the Crawford chimney?</p>	<p style="text-align: right;">Page 100</p> <p>1 A I don't understand.</p> <p>2 Q Typically, dust is generated after an</p> <p>3 implosion, correct?</p> <p>4 A Correct.</p> <p>5 Q And does dust usually migrate off-site after</p> <p>6 an implosion?</p> <p>7 A It can, yes.</p> <p>8 Q Did you think that dust would migrate off-site</p> <p>9 after this implosion of the Crawford chimney?</p> <p>10 A I didn't -- I did not give that any thought.</p> <p>11 Q Are there any measures that prevent dust from</p> <p>12 dispersing off-site after an implosion?</p> <p>13 MR. SMITH: Michael Smith, Hilco. Object to</p> <p>14 form.</p> <p>15 MR. DEVRIES: MCM will join.</p> <p>16 MR. RICE: Andrew Rice, CDI. I'll join.</p> <p>17 BY MS. HAMILTON:</p> <p>18 Q You can answer.</p> <p>19 A What was the question again, please?</p> <p>20 MS. HAMILTON: Lindsay, can you play back the</p> <p>21 question?</p> <p>22 COURT REPORTER: Yes. Give me one moment.</p> <p>23 Please stand by. Sorry. It's -- there we go. My</p> <p>24 speaker is not working. Give me just a second.</p> <p>25 (REPORTER PLAYS BACK REQUESTED QUESTION)</p>
<p style="text-align: right;">Page 99</p> <p>1 A No.</p> <p>2 Q Did you tell anyone at MCM that the dust would</p> <p>3 be contained within the exclusion zone?</p> <p>4 A No.</p> <p>5 Q Did you have any conversations with Hilco</p> <p>6 about where the dust would migrate to after the</p> <p>7 implosion of the Crawford chimney?</p> <p>8 A No.</p> <p>9 Q Did you or anyone at CDI explain to anyone at</p> <p>10 Hilco that noise, dust, and debris were issues that</p> <p>11 would be contained within the exclusion zone?</p> <p>12 MR. SMITH: Objection. Form.</p> <p>13 MR. RICE: Andrew Rice. Join.</p> <p>14 Q You can answer.</p> <p>15 A No, the -- the exclusion zone is for basically</p> <p>16 how loud it's going to be. Has nothing to do with, you</p> <p>17 know, those distances with debris, or doesn't -- there's</p> <p>18 no mention of dust. Exclusion zones is not a dust zone.</p> <p>19 Q Do you think that dust would be dispersed</p> <p>20 outside of the exclusion zone?</p> <p>21 A Again, which way is the wind going to blow?</p> <p>22 No, I -- there's no way to answer that.</p> <p>23 Q Did you have any reason to think that dust</p> <p>24 wouldn't be dispersed into the -- or dispersed outside</p> <p>25 of the exclusion zone?</p>	<p style="text-align: right;">Page 101</p> <p>1 MS. HAMILTON: I believe it's the next</p> <p>2 question.</p> <p>3 COURT REPORTER: Yeah. It's -- for some</p> <p>4 reason, it's not playing it. I think there was a</p> <p>5 little bit of delay. Hold on a sec.</p> <p>6 (REPORTER PLAYS BACK REQUESTED QUESTION)</p> <p>7 BY MS. HAMILTON:</p> <p>8 Q Okay. You can answer the question.</p> <p>9 A Define off-site.</p> <p>10 Q Outside of the exclusion zone.</p> <p>11 A The exclusion zone limits were -- most of the</p> <p>12 exclusion zone limits were on the site. So I'm not sure</p> <p>13 where -- not sure where you're going with the question.</p> <p>14 Sorry.</p> <p>15 Q Are there any measures that prevent dust from</p> <p>16 migrating after an implosion?</p> <p>17 A No. Sorry.</p> <p>18 Q Sorry. You said your answer was --</p> <p>19 A No. Again, it's -- dust is an unavoidable</p> <p>20 byproduct of -- of what we do, and dust is going to go</p> <p>21 which way the wind takes it regardless of -- of any --</p> <p>22 an effort, 20 -- 22 firetrucks or 24 firetrucks and all.</p> <p>23 You know, even if they were there, they can only spray</p> <p>24 water so high, and if the dust is higher than where the</p> <p>25 water is sprayed, it doesn't do any good, so --</p>

<p style="text-align: right;">Page 102</p> <p>1 Q Would you agree that implementing any measures</p> <p>2 to control dust after an implosion is better than</p> <p>3 implementing no measures?</p> <p>4 MR. DEVRIES: I'm going to object to the form</p> <p>5 of the question. It assumes that no measures were</p> <p>6 implemented, and it calls for speculation. It's</p> <p>7 incomplete and form. MCM.</p> <p>8 MR. RICE: Andrew Rice, CDI. I'll join.</p> <p>9 MR. SMITH: Michael Smith, Hilco. I'll join.</p> <p>10 BY MS. HAMILTON:</p> <p>11 Q You can answer.</p> <p>12 A As -- as was just stated, they did make an</p> <p>13 effort. They -- they had water trucks. They had</p> <p>14 DustBosses. They -- the fire department had fire</p> <p>15 trucks. An attempt was made to palliate the dust.</p> <p>16 Q Right, but that was not my question. My</p> <p>17 question to you was would you agree that implementing</p> <p>18 measures to control dust is better than implementing no</p> <p>19 measures?</p> <p>20 MR. DEVRIES: Same objections for MCM and asked</p> <p>21 and answered.</p> <p>22 MR. SMITH: Same objections for Hilco.</p> <p>23 MR. RICE: CDI. Join.</p> <p>24 BY MS. HAMILTON:</p> <p>25 Q You can answer.</p>	<p style="text-align: right;">Page 104</p> <p>1 asking you, did you actually observe them mitigating the</p> <p>2 dust?</p> <p>3 A I -- I left site.</p> <p>4 Q Okay. So the answer is no, you did not</p> <p>5 actually see them taking any attempts to mitigate the</p> <p>6 dust after the implosion?</p> <p>7 A Well, it's dust clean-up after the implosion.</p> <p>8 You can't mitigate something after it already happened.</p> <p>9 So I think we need to clear that up. You have --</p> <p>10 mitigation would happen prior to, and clean-up would</p> <p>11 happen post. So there's post-dust clean-up. Mitigation</p> <p>12 would be before the event, and dust clean-up, post --</p> <p>13 post-dust clean-up would obviously be after the event.</p> <p>14 Q Did you observe any pre-implosion dust</p> <p>15 mitigation by MCM?</p> <p>16 A Yes.</p> <p>17 Q What did you observe?</p> <p>18 A They had the -- the -- the DustBosses set up,</p> <p>19 and they had the water trucks going. I believe they had</p> <p>20 a street sweeper on standby or arranged to have a street</p> <p>21 sweeper on standby. I -- you know, someone arranged to</p> <p>22 have the fire department there. Whether that was MCM or</p> <p>23 whomever, I -- I don't know. But the -- those -- those</p> <p>24 items were in place and operational before we shot.</p> <p>25 Q And did you observe any post-implosion dust</p>
<p style="text-align: right;">Page 103</p> <p>1 A Yes, of course, and again, an attempt was made</p> <p>2 to -- to mitigate the dust.</p> <p>3 Q And who made the attempt to mitigate the dust</p> <p>4 after the Crawford implosion?</p> <p>5 A I would have to assume it would be MCM because</p> <p>6 they're my client.</p> <p>7 Q Why do you have to assume that it was MCM?</p> <p>8 A Because dust is not our responsibility.</p> <p>9 Chimney falls down, we give the all clear. We're on the</p> <p>10 next plane out of there.</p> <p>11 Q Do you know whether or not MCM made any</p> <p>12 attempts to mitigate the dust after the implosion?</p> <p>13 MR. RICE: Objection. Asked and answered,</p> <p>14 considering he's talked about what he saw. But go</p> <p>15 ahead, Ray.</p> <p>16 MR. DEVRIES: MCM will join.</p> <p>17 MR. SMITH: Hilco will join.</p> <p>18 A Again, structure's on the ground. All clear</p> <p>19 is given. Everything went per plan. Handshakes are</p> <p>20 handed out. See you later. It's not our -- our</p> <p>21 responsibility to monitor who or what cleans up the</p> <p>22 dust.</p> <p>23 BY MS. HAMILTON:</p> <p>24 Q Yes. You said that you assumed that MCM, your</p> <p>25 client, MCM, attempted to mitigate the dust, and I'm</p>	<p style="text-align: right;">Page 105</p> <p>1 clean-up?</p> <p>2 A No. I'd left the site.</p> <p>3 Q What would CDI have done if it had been</p> <p>4 responsible for dust mitigation under your contract with</p> <p>5 MCM?</p> <p>6 MR. RICE: Objection, calls for speculation,</p> <p>7 incomplete hypothetical, and they don't do that. So</p> <p>8 I think that's --</p> <p>9 MS. HAMILTON: Please don't make speaking</p> <p>10 objections. I got your objection, but I -- you</p> <p>11 know, you've had a few of those, and I've let them</p> <p>12 go, but don't make speaking objections.</p> <p>13 MR. DEVRIES: MCM will join in the objections.</p> <p>14 MR. SMITH: Hilco will join as a form and</p> <p>15 foundation objection.</p> <p>16 BY MS. HAMILTON:</p> <p>17 Q You can answer.</p> <p>18 A We won't -- I -- I wouldn't do it. I wouldn't</p> <p>19 take on that responsibility. Let me clarify that.</p> <p>20 Those are -- those are items that do not fit our current</p> <p>21 business model, and we do not have the resources to --</p> <p>22 to -- to do that stuff. We don't own DustBosses, and we</p> <p>23 don't own trucks, or we don't own any equipment. We're</p> <p>24 just a super small little specialty blasting</p> <p>25 subcontractor.</p>

<p style="text-align: right;">Page 106</p> <p>1 MS. HAMILTON: Okay. Can you show 138, please, 2 Lindsay? 3 COURT REPORTER: Yes. Give me -- 4 MR. DEVRIES: Hey, Danielle, whenever you have 5 a chance, I wouldn't mind just, like, a five-minute 6 break. I'm not saying right away. Just keep it in 7 mind. 8 MS. HAMILTON: Yeah. After this round of 9 questions, we can take a break. 10 MR. DRISCOLL: And Danielle, just real quick, 11 how long do you think much more you have going, just 12 because if I'm going to have someone -- because I've 13 got to jump out somewhere. Someone's going to come 14 on. I want to give them an idea when they're going 15 to come on. 16 MS. HAMILTON: I don't know. I have, you know, 17 at least I would guess an hour's worth more, maybe 18 more than that. 19 MR. DRISCOLL: Okay. I mean, so if we take a - 20 - let's say we take a break in a couple minutes. If 21 I tell someone they can pop on around 3:00, it's -- 22 does that seem reasonable? 23 MS. HAMILTON: Yeah. 3:00 Central? 24 MR. DRISCOLL: Yeah. 25 MS. HAMILTON: Yes.</p>	<p style="text-align: right;">Page 108</p> <p>1 Yes. So this dust control approach says that a plan 2 will be implemented in conjunction with the standardized 3 requirements for demolition activities. A site layout 4 map is provided and included as Figure 2, and can we go 5 to Figure 2, please? Which is, I believe, on the next 6 page. Oh, no, it's not. Sorry. It's on page 6. Oh, 7 actually, sorry. Let's go back to page 4, 2.0, Dust 8 Control Approach. The second paragraph reads, "Control 9 of dust will be a top priority during the project. The 10 primary equipment for dust control will be the use of 11 water trucks with a spray bar and hoses, along with 12 misting blowers. Only potable water will be used for 13 dust control purposes." Do you agree with this fugitive 14 dust control plan? 15 MR. SMITH: This is Hilco. Objection. Form. 16 Foundation. 17 MR. DEVRIES: MCM will join. 18 MR. RICE: Andrew Rice, CDI. I'll join as 19 well. 20 BY MS. HAMILTON: 21 Q You can answer. 22 A Again, you're asking me a comment on a 23 document I didn't have -- I didn't authorize to -- this 24 is a -- something between MCM and JEI, you know. I -- I 25 was never given an opportunity to review it, you know.</p>
<p style="text-align: right;">Page 107</p> <p>1 MR. DRISCOLL: All right. Thank you. 2 MS. HAMILTON: No problem. So this is Exhibit 3 10, I think. 4 (EXHIBIT 10 MARKED FOR IDENTIFICATION) 5 COURT REPORTER: Yes. 6 BY MS. HAMILTON: 7 Q This is a Crawford Generating Plant, CGP, 8 Fugitive Dust Control Plan for use of MCM Management, 9 and Lindsay, if you wouldn't mind just scrolling through 10 it. I'm going to ask you, Mr. Zukowski, if you've ever 11 seen this document before. 12 A Isn't this the same one we just looked at, or 13 is this different? 14 Q This is different than what we -- 15 A No, I've never seen this. 16 Q So -- sorry. Your answer was you've never 17 seen the document? 18 A No, it doesn't look familiar at all. 19 Q I don't know if I marked the Bates stamp. It 20 is CTRL 2057 through 2063. So this document was not 21 provided to you prior to the demolition of the Crawford 22 chimney, correct? 23 A Correct. 24 Q Okay. And then can we go to page 4, Section 25 2.0, Dust Control Approach, if that's the right page?</p>	<p style="text-align: right;">Page 109</p> <p>1 You know, "Controlled dust will be a top priority during 2 the demolition project." I mean, I -- I don't like 3 throwing people under the bus, but this is a pretty 4 crappy document. I mean, anybody could -- anybody with 5 common sense could have wrote that, so -- 6 Q Was the control of dust a top priority for CDI 7 during the Crawford demolition? 8 A No. Dust is not our responsibility per our 9 contract. 10 Q Did CDI have a fugitive dust control plan for 11 the Crawford demolition? 12 A No, we did not. 13 Q Are you aware if MCM had a fugitive dust 14 control plan for the Crawford demolition? 15 MR. DEVRIES: MCM will object to foundation. 16 Q You can answer. 17 A I have no knowledge of them having such a 18 plan. 19 Q And did CDI follow any of this fugitive dust 20 control plan in paragraph -- the second paragraph of 21 2.0? 22 MR. DEVRIES: MCM will object to form. 23 MR. RICE: CDI will join. 24 MR. SMITH: Hilco will join. 25 BY MS. HAMILTON:</p>

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1 Q You can answer.

2 A No.

3 MS. HAMILTON: Okay. You can put this exhibit

4 down. Let's take a break. Let's take a five-minute

5 break.

6 MR. DEVRIES: That's fine for me. Thank you.

7 MR. DRISCOLL: You want to make it ten?

8 MS. HAMILTON: Yeah, let's just come back at

9 1:00 Central.

10 MR. DRISCOLL: Perfect. Thank you.

11 (OFF THE RECORD)

12 COURT REPORTER: All right. We are back on the

13 record for the deposition of Raymond Zukowski on

14 February 6, 2023. The current time is 2:01 p.m.

15 Eastern Standard Time. You may continue.

16 BY MS. HAMILTON:

17 Q Did you make any promises to Hilco that dust

18 wouldn't cause any issues off-site?

19 A No, I did not.

20 Q To your knowledge, did anybody else at CDI

21 make any promises like that to Hilco?

22 A To my knowledge, no one made those promises.

23 Q Did you make any promises to MCM that dust

24 wouldn't cause issues off-site?

25 A No.

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1 Q And to your knowledge, did anyone at CDI make

2 any promises like that to MCM?

3 A No.

4 Q Did you make any promises that dust wouldn't

5 cause issues off- site to anyone?

6 A No.

7 Q And to your knowledge, did anybody at CDI make

8 any promises that dust wouldn't cause issues off-site to

9 anyone?

10 A No, to my knowledge.

11 Q Okay. Did you play any role in obtaining the

12 blasting permit from the City of Chicago for the

13 Crawford Demolition?

14 A Other than attending one or two conference

15 calls with everybody involved, the -- the permit was

16 handled by Hilco.

17 Q And we'll go back to those conference calls,

18 but did you have any conversations with any City of

19 Chicago employees regarding the blasting permit for this

20 project?

21 A Again, only in the conference calls.

22 Q Okay. Can you show 53, please? Exhibit 11?

23 This is Exhibit 11, Bates stamped CTRL 27. The top of

24 this is an e-mail from Eric Dovas to you on February 21,

25 2020, correct?

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1 (EXHIBIT 11 MARKED FOR IDENTIFICATION)

2 A Yes.

3 Q Okay. And then at the bottom, there's an

4 e-mail from you to Eric Dovas on February 21, 2020 at

5 12:01 p.m. Do you see that?

6 A Yes.

7 Q Okay. The second paragraph reads, "Regarding

8 felling the Crawford Chimney on March 29th that date is

9 currently open on our schedule. The only way we would

10 commit to that is that Hilco would have to obtain the

11 implosion permit with CDI's assistance from the City of

12 Chicago. For when I was there to look at the boilers,

13 the Hilco representative I met with told me not to have

14 any contact with the city as respects to this project."

15 So when you said in this e-mail, "Obtain the implosion

16 permit with CDI's assistance," what did you mean by

17 that?

18 A That they would obtain the permit from the

19 city, and we would support them with documents requested

20 like exclusion zones, documents, stuff like that.

21 Q And do you recall what Hilco representative

22 you met with told you not to have any contact with the

23 city as respects this project?

24 A Yes, it was Nicholas Pullara.

25 Q And did he explain why he told you not to have

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1 any contact with the city as respect to this project?

2 A No, he -- he just said he was spearheading the

3 -- the -- the permitting processes for this and -- and I

4 took it as a welcome change.

5 Q In what way was it a welcome change?

6 A Because it -- it tipped the -- if you were

7 able to click on that link, to get an implosion permit

8 through the City of Chicago, is a very lengthy and

9 arduous task that can take months of document production

10 and approvals. And what the -- the -- the city decided

11 to do was to issue a -- the actual permit, helicopter

12 lift permit, which was a -- a clever way of cutting

13 through the masses of red tape that's normally involved

14 to -- to -- to meet the needs of the project, which was

15 simple -- a simple road closure of Pulaski for the 15

16 minutes at we -- we requested, excuse me.

17 Q So had a developer ever spearheaded the

18 obtaining the permit projects for any implosion projects

19 that CDI was contracted to do?

20 A I can't say specific which ones, I'm sure. I

21 mean, there certainly has been projects for, excuse me,

22 our client or their client, you know, handled permitting

23 and all, you know, job specific.

24 Q In the prior -- had CDI ever used explosives

25 in the demolition in Chicago prior to April of 2020?

<p style="text-align: right;">Page 114</p> <p>1 A Yes.</p> <p>2 Q And in those instances, did CDI obtain the</p> <p>3 blasting permit or did someone else obtain the?</p> <p>4 A I -- again, I -- I wasn't -- I was on two of</p> <p>5 those projects and I was just there to help load the</p> <p>6 explosives. I wasn't part of the management team, so I</p> <p>7 can't say for sure.</p> <p>8 Q Did you think getting a blasting permit for</p> <p>9 the Crawford project was far-fetched?</p> <p>10 A I'm not sure what you mean. We needed a</p> <p>11 permit.</p> <p>12 Q Did you think that it was likely that you were</p> <p>13 going to get a permit for the blasting permit for the</p> <p>14 Crawford project?</p> <p>15 A Yes. Based on -- based on the conversations,</p> <p>16 group conversations we had, there was no objections from</p> <p>17 the city representatives on the phone or the alderman</p> <p>18 that was helping out with the project that, you know,</p> <p>19 everybody was helpful as respects getting the permit</p> <p>20 issued.</p> <p>21 Q Okay. And CDI's interrogatory responses in</p> <p>22 this case, which you signed the CDI Interrogatories,</p> <p>23 correct?</p> <p>24 A Yes.</p> <p>25 Q In those interrogatories, the -- one of the</p>	<p style="text-align: right;">Page 116</p> <p>1 the implosion permit, correct?</p> <p>2 A Correct.</p> <p>3 MR. SMITH: Michael Smith, Hilco, object to</p> <p>4 form.</p> <p>5 Q And you only reached out to Nick about the</p> <p>6 permit because Eric at MCM asked you to?</p> <p>7 A Yes. Again, I'll be happy to help if they</p> <p>8 want to spearhead the permit, great, but -- and I'll be</p> <p>9 happy to help. And I was just -- let me know if he</p> <p>10 needed any help, yeah, I was there, and if I needed to</p> <p>11 be at a meeting, let me know, I'll be there.</p> <p>12 Q Okay. And then can you show 903, please?</p> <p>13 This is Exhibit 13, Bates stamped CTRL 12782 to 12785.</p> <p>14 Looking at the second e-mail chain on the first page</p> <p>15 from you to Nick Pullara and Eric Dovas on</p> <p>16 March 12, 2020, do you see that?</p> <p>17 (EXHIBIT 13 MARKED FOR IDENTIFICATION)</p> <p>18 A Yes.</p> <p>19 Q Okay. And then you say, "Nick, Eric, Tom's</p> <p>20 going to be onsite to lay out CDI's drilling." And then</p> <p>21 the -- there's a question at the -- on the next page,</p> <p>22 "Is there anyone Tom could or would need to meet with on</p> <p>23 Monday as respects to the permit?" Do you see that?</p> <p>24 A Yes.</p> <p>25 Q So why were you asking if Tom could or would</p>
<p style="text-align: right;">Page 115</p> <p>1 answers was that CDI was precluded from the permitting</p> <p>2 process by Hilco. How was CDI precluded from the</p> <p>3 permitting process by Hilco?</p> <p>4 A We were told not to have any contact with the</p> <p>5 city as respects to permit that all communications for</p> <p>6 the permit was -- was to go through Hilco and my -- my --</p> <p>7 - my contract's with MCM. So I -- I wouldn't be -- be</p> <p>8 dealing directly with Hilco, you know, anyhow. If they</p> <p>9 asked me something I would answer them, sure. But, you</p> <p>10 know, all -- all my submittals went through MCM.</p> <p>11 Q Okay. Can we show 49 please? Okay. This is</p> <p>12 an e-mail -- this is Exhibit 12, Bates stamped CTRL</p> <p>13 4241. This is an e-mail from you to</p> <p>14 npullara@hilcoglobal.com on March 6, 2020, correct?</p> <p>15 (EXHIBIT 12 MARKED FOR IDENTIFICATION)</p> <p>16 A Yes.</p> <p>17 Q It says, "Nick, per Eric's e-mail below, I'm</p> <p>18 reaching out to you to see what you need from CDI as</p> <p>19 respects the City of Chicago's implosion permit." Did</p> <p>20 Nick respond to this e-mail to you?</p> <p>21 A He may have. If he did, I'm sure you have a</p> <p>22 copy. And again, the only reason I e-mailed Nick it was</p> <p>23 at the request of my client.</p> <p>24 Q Okay. Because prior to this, you had been</p> <p>25 told not to reach out to the City of Chicago regarding</p>	<p style="text-align: right;">Page 117</p> <p>1 need to meet with anybody on Monday as respects to the</p> <p>2 permit?</p> <p>3 A Again, you know, we're -- we're -- we're based</p> <p>4 outside of Baltimore and the job's in Chicago, so we're</p> <p>5 not on-site every day. Tom's our licensed Chicago</p> <p>6 blaster and he can certainly speak as the CDI's</p> <p>7 operations on-site, you know, was just saying, "Hey,</p> <p>8 he's there. If you need him to help you out with</p> <p>9 anything, ask him. If he needs to meet with anybody,</p> <p>10 he'll be happy to do it." Just letting our client and</p> <p>11 their client know that someone was going to be there.</p> <p>12 Just a courtesy call, that's all.</p> <p>13 Q And did Tom meet with anybody regarding the</p> <p>14 permit when he was on-site?</p> <p>15 A Not that I'm aware of, no.</p> <p>16 Q Okay. Now let's look at 41, please.</p> <p>17 MR. DEVRIES: Do you know what exhibit number</p> <p>18 we're on?</p> <p>19 MS. HAMILTON: This is going to be Exhibit 14.</p> <p>20 (EXHIBIT 14 MARKED FOR IDENTIFICATION)</p> <p>21 MR. DEVRIES: Thank you.</p> <p>22 BY MS. HAMILTON:</p> <p>23 Q This is Exhibit 14, Bates stamped CTRL 161 to</p> <p>24 162. This is at the top an e-mail from</p> <p>25 J-M-L-O-I-Z-E-A-U-X@comcast.net to you, Thomas J. Doud</p>

<p style="text-align: right;">Page 118</p> <p>1 with a CC to Carol E. Graft. Who's J -- whose e-mail</p> <p>2 address is J-M-L-O-I-Z-E-A-U-X@comcast.net?</p> <p>3 A That's Mark Loizeaux's personal e-mail.</p> <p>4 Q I don't remember how to pronounce that,</p> <p>5 Loizeaux. And so in this, Mark says, "Ray and Tom,</p> <p>6 Carol previously spoke to me about her conversation with</p> <p>7 you, Ray, about her concerns that Hilco is apparently</p> <p>8 pushing to handle all the permitting on this project. I</p> <p>9 agree with Carol completely that CDI is the licensed</p> <p>10 blaster in the city and state, and we have obligations</p> <p>11 to ensure that all permits are handled properly. From</p> <p>12 the e-mail below Ray, it sounds like Nick Pullara of</p> <p>13 Hilco wants to be the lead on these communications. You</p> <p>14 need to be sure moving forward that we license this</p> <p>15 properly and advise regulatory agencies accordingly with</p> <p>16 regard to CDI's role as the blasting subcontractor on</p> <p>17 the project. Mark." Did you share Mark and Carol's</p> <p>18 concerns that Hilco was pushing to handle all the</p> <p>19 permitting on this project?</p> <p>20 MR. BERIBAK: Form.</p> <p>21 MR. SMITH: This is Mike Smith, Hilco,</p> <p>22 objection to form.</p> <p>23 MS. HAMILTON: He can answer.</p> <p>24 A Obviously you don't know Mark. It's his</p> <p>25 company. He owns it 100 percent and he makes sure</p>	<p style="text-align: right;">Page 120</p> <p>1 Q And when Mark said, "Advise regulatory</p> <p>2 agencies accordingly with regard to CDI's role as the</p> <p>3 blasting subcontractor on the project." What did you</p> <p>4 understand him to mean there?</p> <p>5 A You don't know Mark.</p> <p>6 Q I don't.</p> <p>7 A He's got a lot of words to come out, so I</p> <p>8 didn't -- I didn't read anything into it, honestly.</p> <p>9 It's just standard, make sure, you know, we cover our</p> <p>10 own butts, take care of our stuff.</p> <p>11 Q And Mark references a conversation that you</p> <p>12 and Carol Graft had about her concerns. What did you</p> <p>13 say -- what did Carol say to you and what did you say to</p> <p>14 her?</p> <p>15 A Well, you asked earlier who normally handles</p> <p>16 permitting and it's Carol, she's very protective of the</p> <p>17 company and her work product. And when she's told that</p> <p>18 someone else is doing basically her job for her on this</p> <p>19 project, she just wants to make sure it's done to her</p> <p>20 satisfaction, that no one gets missed.</p> <p>21 Q Okay. Did -- was the permitting process for</p> <p>22 the Crawford project handled to Carol's satisfaction?</p> <p>23 MR. SMITH: Michael Smith, Hilco, object to</p> <p>24 foundation.</p> <p>25 Q You can answer.</p>
<p style="text-align: right;">Page 119</p> <p>1 everything is -- is per the company policy and plan.</p> <p>2 And that was his e-mail to me and Tom to make sure it</p> <p>3 was per -- again, not too often -- it's not very often</p> <p>4 that permitting is handled by someone other than us for</p> <p>5 our specific part. And he was just saying, hey, just</p> <p>6 make sure, you know, CDI's standard, you know, languages</p> <p>7 or whatever, or -- or voice and meetings and you know.</p> <p>8 Items like that. Again, exclusion zones were submitted</p> <p>9 and I'm sure those were passed along to the city and the</p> <p>10 plans were probably passed along to the city. Yeah. So</p> <p>11 other than Mark expressing concern for his company, you</p> <p>12 know, concern for my concerns as well. But again, you</p> <p>13 know, as I said earlier, the city came up with a</p> <p>14 streamlined version of the permit to meet the needs of</p> <p>15 the project and it -- it happened and -- and we all</p> <p>16 agreed that it was acceptable.</p> <p>17 BY MS. HAMILTON:</p> <p>18 Q When you say we all agreed, who are you</p> <p>19 referring to with "we"?</p> <p>20 A CDI, here at CDI -- here at CDI.</p> <p>21 Q And when Mark says in this e-mail, "You need</p> <p>22 to be sure that we license this properly." What did you</p> <p>23 understand that to mean?</p> <p>24 A It means that we don't proceed unless we have</p> <p>25 a permit to do so.</p>	<p style="text-align: right;">Page 121</p> <p>1 A As far as I know, yes. And again, we had a</p> <p>2 permit in hand from the City of Chicago to proceed with</p> <p>3 the shot, you know, the morning of the 11th and we did.</p> <p>4 Q Okay. Lindsay, can you, pull up 43 please?</p> <p>5 This is Exhibit 15, Bates stamped CTRL 156. This is an</p> <p>6 e-mail from Mark to you with a copy to Carol Graft on</p> <p>7 April 1, 2020 at 11:32 a.m. Do you see that?</p> <p>8 (EXHIBIT 15 MARKED FOR IDENTIFICATION)</p> <p>9 A Yes.</p> <p>10 Q And Mark here says, "If you decide" -- in the</p> <p>11 second paragraph, "If you decide to join on the call at</p> <p>12 2:00 p.m. per Nick Pullara's request in his e-mail this</p> <p>13 morning, I want you to tell the attendees that while CDI</p> <p>14 normally handles explosives, permitting, and implosion</p> <p>15 related communications on our projects, Hilco has</p> <p>16 mandated that they handle all implosion related</p> <p>17 communications on this project. Given that they're the</p> <p>18 main contractor, we have no option but to comply with</p> <p>19 their wishes in that regard." You did attend the call</p> <p>20 at 2:00 p.m. per Nick's request, correct?</p> <p>21 A I believe so, yes.</p> <p>22 MR. SMITH: Michael Smith, Hilco, object to</p> <p>23 form.</p> <p>24 Q Sorry, can you repeat your answer?</p> <p>25 A I -- I believe so, yes.</p>

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1 Q And did you tell the attendees what Mark is
2 asking you to tell them in the second paragraph?
3 A No, because it didn't need to be said. Every
4 -- everybody involved with the permitting process knew
5 that Hilco was taking the lead on it and -- and Nick was
6 the guy spearheading the permit. Yeah. Again, Mark's
7 concern is for the company, and you know, he's
8 expressing his concerns to me, but sometimes those
9 concerns, you know, have already been addressed or don't
10 need to be mentioned.

11 Q Okay. And another paragraph reads, "On the
12 call, I want you to cover our explosives delivery and
13 handling procedures, the exclusion zone/security and the
14 fact that dust from CDI's operation will likely follow
15 any prevailing wind or breeze the morning of the shot."
16 Did you cover the explosive delivery and handling
17 procedures on the call?

18 A I'm sure we talked about it if it was asked.
19 And again, those -- I believe those dates were listed in
20 the plan and procedure. And again, the closure of
21 Pulaski was for three reasons. A, if -- if something
22 went wrong and the chimney went the other way, it
23 would've went across the road and that would present a
24 public hazard. Two, you can't have people driving by a
25 power plant hear a loud bang and having them see

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1 something fall over that -- because that will, you know,
2 cause an issue. And three, you know, dust was going to
3 go on that road, and it needed to be cleaned up after
4 the shot. So again, the -- the fact that we were going
5 to generate dust and it was going to need to be cleaned
6 from the road was -- was -- was not hidden from anybody.

7 Q Okay. Do you specifically recall on this
8 April 1st conference call saying that dust from CDI's
9 operation will likely follow any prevailing wind or
10 breeze in the morning of the shot or something to that
11 effect?

12 A No, I don't recall.

13 Q And then moving on the next paragraph states,
14 "Please state that an appropriate Community Outreach
15 Program, such as CDI, typically performs is performed by
16 Hilco to advise community of the schedule, the
17 unavoidable noise slash dust byproducts of CDI's
18 operations and the means by which adjacent property
19 owners can mitigate the impact of CDI's operations on
20 their properties." Did you state what I just read in
21 this paragraph on the April 1st conference call?

22 A I don't believe so, no.

23 Q And why didn't you do that?

24 A Again, the permit process was being handled
25 and it was being handled well and, you know, I -- I -- I

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1 felt that all the bases were covered as far as CDI's
2 operations were involved.

3 Q And did you have any role in the Community
4 Outreach Program performed by Hilco?

5 A No, I did not.

6 Q Did you have any input in how the Community
7 Outreach Program would occur for the Crawford
8 Demolition?

9 A No, I did not.

10 Q Were you advised by Hilco what the Community
11 Outreach Program would be for the Crawford Demolition?

12 A No, I was not.

13 Q Okay. And then Mark says next, "It's
14 important that you put the City of Chicago agencies, our
15 client, MCM and Hilco, the property owner on notice that
16 they're assuming responsibility for these items given
17 that they are preventing CDI from carrying out our
18 standard procedures in that regard." Did you put the
19 City of Chicago agencies, MCM and Hilco, on notice that
20 they were assuming responsibility for the above items?

21 MR. SMITH: Michael Smith, Hilco, object to
22 form.

23 MR. DEVRIES: MCM joined.

24 Q You can answer.

25 A No, I didn't. Hang on.

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1 Q Why not?

2 A I'm just reading it again.

3 Q Sure.

4 A Again, I didn't -- didn't need it -- I didn't
5 feel it needed to be said. You know, like I'm -- I'm
6 low man on the totem pole on this job. You know, it's
7 not -- not my responsibility to -- to start making waves
8 when I -- I -- again, I felt the permitting was being
9 handled properly -- permitting was being handled
10 properly, excuse me. And the same -- same with
11 community outreach, we were told not to have, you know,
12 Community Outreach and permitting was all on Hilco and
13 that was passed down through MCM and -- and -- and we
14 decided that that was okay.

15 Q Did you have any concerns about the Crawford
16 Power Plant being in a community with respect to, you
17 know, demolishing the chimney?

18 A No, because when I got there, again, I've been
19 there a couple times, it came off the -- I can't
20 remember the road and I've never -- I didn't even really
21 notice the neighborhood, you know, until after all this
22 happened because normally, we don't have this much room,
23 so to speak, to take a structure down. I mean, this was
24 a chimney in the middle of a field that I couldn't hurt
25 anything if I wanted to. So -- and at the distances

<p style="text-align: right;">Page 126</p> <p>1 outside, you know, the site, I -- I just honestly didn't</p> <p>2 put any thought into it.</p> <p>3 Q Did you have any other conversations with Mark</p> <p>4 about his concerns that he laid out in this e-mail?</p> <p>5 MR. SMITH: Michael Smith, Hilco, object to</p> <p>6 form.</p> <p>7 Q You can answer.</p> <p>8 A Not that I recall, no.</p> <p>9 Q You can put that exhibit down. Thank you,</p> <p>10 Lindsay. Did you have any conversations with MCM about</p> <p>11 obtaining the blasting permit?</p> <p>12 A Yeah, Eric and I talked and then after --</p> <p>13 after Nick told me that he was going to get it, that was</p> <p>14 when I sent the e-mail to Eric, the day after.</p> <p>15 Q Okay. Did you have any other conversations</p> <p>16 with Eric other than the e-mail that you sent him the</p> <p>17 day after talking with Nick?</p> <p>18 A Not that I recall. We could have, I mean,</p> <p>19 e-mailed question back and forth.</p> <p>20 MR. DEVRIES: I'm sorry, Danielle, the question</p> <p>21 was about permitting, correct? Conversation about</p> <p>22 permit?</p> <p>23 Q Yes. Yes, it was. Do you recall reaching out</p> <p>24 to Heneghan or Heneghan trying to obtain a permit for</p> <p>25 the Crawford Demolition?</p>	<p style="text-align: right;">Page 128</p> <p>1 as a team if required to ensure it was a smooth process</p> <p>2 as possible." Do you know what he is referring to when</p> <p>3 he says finishing the project safely?</p> <p>4 A No, I don't recall. There's more to the</p> <p>5 e-mail below. I'm not sure -- I e-mailed him.</p> <p>6 Q Yeah, why don't you read the whole exhibit and</p> <p>7 then let know when you're finished.</p> <p>8 A All right. Right there please. Okay. Yeah,</p> <p>9 they were -- again, they were looking for price to shoot</p> <p>10 the boilers in the chimney. At the same time that we</p> <p>11 were dealing directly with MCM, which felt odd.</p> <p>12 Q When you said -- did Jeremy ever get back to</p> <p>13 you about -- with your question, what do you think the</p> <p>14 chances are of the City approving explosives demolition</p> <p>15 approach?</p> <p>16 A I thought he answered that.</p> <p>17 Q How did he answer that?</p> <p>18 A No, did -- didn't he e-mail back? He --</p> <p>19 didn't he say -- yeah, above that. Yeah, he -- he</p> <p>20 answered, he thought it -- the chances were good. "We</p> <p>21 believe we can get the city's approval on the approach</p> <p>22 to finish this project safely."</p> <p>23 Q Were you concerned at all of the City</p> <p>24 approving explosives demolition approach?</p> <p>25 A Again, the -- the concern was time and -- and</p>
<p style="text-align: right;">Page 127</p> <p>1 A No. Heneghan -- Heneghan was brought in after</p> <p>2 MCM's contract was terminated, if I remember right.</p> <p>3 Q Prior to the Crawford demolition, did you have</p> <p>4 any conversations with Heneghan?</p> <p>5 A Yeah, they -- they asked us for a proposal to</p> <p>6 -- to give -- to -- to shoot the boilers, if I remember,</p> <p>7 possibly all of it. Which is -- which was odd, you</p> <p>8 know, because I remember talking internally. That's</p> <p>9 kind of puts us in a strange position that, you know,</p> <p>10 I'm working for MCM. Why is this third party asking for</p> <p>11 a proposal when they're the contractor on the job? No.</p> <p>12 Q Did you submit a proposal to Heneghan?</p> <p>13 A I'd have to -- I'd have to check the file.</p> <p>14 Q Let's look at 881. Okay. This is Exhibit 16,</p> <p>15 Bates stamp CTRL 12827 through 12829. This is --</p> <p>16 looking at the second e-mail from Jeremy Thourd to you.</p> <p>17 Jeremy works for Heneghan Wrecking Company, correct?</p> <p>18 (EXHIBIT 16 MARKED FOR IDENTIFICATION)</p> <p>19 A Yes. Heneghan.</p> <p>20 Q Heneghan, sorry. And he wrote, "We have a</p> <p>21 very good relationship with the City and believe we can</p> <p>22 get the City's approval on this approach to finish the</p> <p>23 project safely. We are on board, and we are able to</p> <p>24 present it as a cohesive plan together. We would lay</p> <p>25 down the groundwork ahead of time before presenting it</p>	<p style="text-align: right;">Page 129</p> <p>1 the time frame that they wanted. The typical implosion</p> <p>2 permitting process is a very long and drawn-out affair</p> <p>3 in the City of Chicago. And to -- to meet the timelines</p> <p>4 of the project, you know, that was the concern there.</p> <p>5 Q But you don't recall ever reaching out to</p> <p>6 Jeremy at Heneghan or anybody else at Heneghan to help</p> <p>7 you obtain -- or to help obtain a blasting permit for</p> <p>8 the Crawford implosion, correct?</p> <p>9 A Correct. I don't -- no conversations with</p> <p>10 Heneghan regarding the permits.</p> <p>11 Q Okay. So on the -- you can put that exhibit</p> <p>12 down. Thank you, Lindsay. So on the April 1, 2020</p> <p>13 conference call, did anybody else from CDI participate</p> <p>14 other than you?</p> <p>15 A No, I believe it was just me.</p> <p>16 Q And what was discussed on that conference</p> <p>17 call?</p> <p>18 A Sure just schedule, timing.</p> <p>19 Q Anything else?</p> <p>20 A Not that I remember.</p> <p>21 Q Did any of the agencies on the -- were there</p> <p>22 City of Chicago agencies on that conference call?</p> <p>23 A Yeah, I -- I believe the fire department was</p> <p>24 involved in permitting or whatever -- whoever handles</p> <p>25 permitting. There was many people on the call, and I</p>

<p style="text-align: right;">Page 130</p> <p>1 was not given a list of attendees.</p> <p>2 Q Did anybody on the call have any questions for</p> <p>3 you?</p> <p>4 A Not -- I'm sure they did. Nothing specific</p> <p>5 that I can remember.</p> <p>6 Q Did you discuss a Community Outreach Program</p> <p>7 on the April 1, 2020 call?</p> <p>8 A Not -- again, not that I -- that I remember.</p> <p>9 If I was asked a question, I'd answer the question.</p> <p>10 Q Did you discuss dust being an unpreventable</p> <p>11 byproduct of the implosion on the April 1, 2020</p> <p>12 conference call?</p> <p>13 A I'm sure -- I'm sure dust was mentioned.</p> <p>14 Again, that's why we had to close the road right out</p> <p>15 front of the plant because it was going to get dusted</p> <p>16 and people needed an opportunity to clean it up.</p> <p>17 Q Do you recall any other conversations about</p> <p>18 dust on the April 1, 2020 conference call other than</p> <p>19 what you testified to?</p> <p>20 A No, I do not.</p> <p>21 Q It's okay. And so the Crawford chimney</p> <p>22 demolition was on April 11, 2020, correct?</p> <p>23 A Yes.</p> <p>24 Q And were you on-site for the demolition?</p> <p>25 A Yes, I was.</p>	<p style="text-align: right;">Page 132</p> <p>1 and no one's in the wrong spot. And we go through</p> <p>2 security checks, you know, internally and with MCM.</p> <p>3 They check with their people, make sure everybody's</p> <p>4 where they're supposed to be. You know, Hilco, I</p> <p>5 believe had a representative there. And the fire</p> <p>6 department, I believe, had one or two gentlemen there.</p> <p>7 So -- and that's -- it's a very informal process, just</p> <p>8 making sure that there's a -- there's a timeline of</p> <p>9 events in our plan of procedure, but it's -- it's --</p> <p>10 it's a -- it's a guideline. If it doesn't happen at</p> <p>11 7:58, then happens at 7:57, whatever. Yeah. It's just</p> <p>12 as long as everything is in place, everybody is where</p> <p>13 they're supposed to be. And if everything is in place</p> <p>14 and where they're supposed to be, and it's safe to</p> <p>15 proceed, we proceed. And we did.</p> <p>16 Q To your knowledge, did MCM soak the ground for</p> <p>17 an hour and 15 minutes before the implosion?</p> <p>18 MR. DEVRIES: I'll object to foundation for</p> <p>19 MCM.</p> <p>20 MR. RICE: Hey, Andrew Rice, CDI. I'll join.</p> <p>21 Calls for speculation.</p> <p>22 MR. SMITH: Michael Smith, Hilco. Join.</p> <p>23 BY MS. HAMILTON:</p> <p>24 Q You can answer.</p> <p>25 A I have no way of knowing how long they soaked</p>
<p style="text-align: right;">Page 131</p> <p>1 Q Okay. Was anybody else from CDI on-site?</p> <p>2 A Tom Doud and Jesse McClees.</p> <p>3 Q I'm sorry, what was Jesse's last name?</p> <p>4 A McClees Capital M-C, capital C-L-E-E-S.</p> <p>5 Q And what was Tom Doud's role on-site at the</p> <p>6 demolition?</p> <p>7 A Tom -- Tom holds our City of Chicago blasters</p> <p>8 license. He had to be there.</p> <p>9 Q And what did -- what role did Jesse McClees</p> <p>10 have on-site?</p> <p>11 A He was just help us -- hands help loading.</p> <p>12 Q Did you say pans uploading?</p> <p>13 A No, hands. Hands to help explosive loading.</p> <p>14 Q Okay. And take me through what you did when</p> <p>15 you got on-site for the demolition.</p> <p>16 A Well, everything was prepared and completed</p> <p>17 the day before, so the only thing we had to do was make</p> <p>18 sure that our lines were run out and not run over by a</p> <p>19 water truck as we talked about previous and make -- I</p> <p>20 was in charge with the command post. Jesse and -- Jesse</p> <p>21 and Tom handled the seismographs. And Jesse and Tom</p> <p>22 were at the firing point, if I remember correctly. So -</p> <p>23 - and again, command post is established probably around</p> <p>24 7:00, and that's just checking with -- with everybody</p> <p>25 involved that the -- the closures are in fact in place</p>	<p style="text-align: right;">Page 133</p> <p>1 the ground for.</p> <p>2 Q But to your knowledge, they did soak the</p> <p>3 ground?</p> <p>4 A Yes, they had the water trucks running and the</p> <p>5 DustBosses running.</p> <p>6 Q Okay. So after the implosion, was the amount</p> <p>7 of dust that was generated more than you expected?</p> <p>8 A No, not at all.</p> <p>9 Q Was it less than you inspect -- expected?</p> <p>10 A It was exactly what I expected it to be.</p> <p>11 Q And the dust generated from the implosion</p> <p>12 migrated off-site, correct?</p> <p>13 A Yes.</p> <p>14 Q And are you aware of how far off-site the dust</p> <p>15 migrated?</p> <p>16 A No, I'm not.</p> <p>17 Q Did you expect that dust would migrate</p> <p>18 off-site after the chimney was demolished?</p> <p>19 MR. DEVRIES: Objection. Asked and answered.</p> <p>20 A Correct. Just it's all a function of which</p> <p>21 way the wind's going to blow. Had the wind been out of</p> <p>22 a different direction, it would've never went that way.</p> <p>23 I didn't give it -- I honestly didn't give it any</p> <p>24 thought. The perimeter was secure, and we proceeded with</p> <p>25 the shot.</p>

<p style="text-align: right;">Page 134</p> <p>1 Q So you had no expectations prior to the shot</p> <p>2 about how far the dust would migrate off-site?</p> <p>3 A I honestly didn't give it any thought.</p> <p>4 Q So what did you do after the shot?</p> <p>5 A Handed out some handshakes and said thank you</p> <p>6 and left.</p> <p>7 Q And CDI was responsible for doing some</p> <p>8 vibration and air overpressure monitoring, correct?</p> <p>9 A Correct. And we did.</p> <p>10 Q And did you perform that monitoring?</p> <p>11 A Tom actually set the machines up.</p> <p>12 Q And so how is -- how did -- how does CDI do</p> <p>13 vibration and air overpressure monitoring?</p> <p>14 A With a seismograph.</p> <p>15 Q So do you put a seismograph on the site after</p> <p>16 the -- after coming to the site?</p> <p>17 A Yeah. We -- we actually place six</p> <p>18 seismographs to cover all the way around. And honestly,</p> <p>19 they're there to protect us from -- from frivolous</p> <p>20 lawsuits because they can't exceed the 140 DBL inside an</p> <p>21 exclusion zone or outside the exclusion zone. And --</p> <p>22 and the US Bureau of Mines has set of standard as how</p> <p>23 much vibration you can generate and those seismographs</p> <p>24 prove without any question that those vibration limits</p> <p>25 were not exceeded and those noise limits were not</p>	<p style="text-align: right;">Page 136</p> <p>1 exhibit.</p> <p>2 BY MS. HAMILTON:</p> <p>3 Q So this is an explanation of vibration</p> <p>4 monitoring?</p> <p>5 A Yes.</p> <p>6 Q And the vibration standards is also on that</p> <p>7 page, correct?</p> <p>8 A Correct, correct.</p> <p>9 Q And then the next page shares the peak</p> <p>10 overpressure, an explanation of that?</p> <p>11 A Uh-huh.</p> <p>12 Q And then can you explain to me the</p> <p>13 conclusions?</p> <p>14 A Can you go to the table that shows the</p> <p>15 results? Yeah, page 5.</p> <p>16 Q Yeah, let's go to the next page.</p> <p>17 A Yeah. So again, depending upon where the --</p> <p>18 the seismograph placement was, I believe there was a map</p> <p>19 involved. So obviously the closer you are to it, the</p> <p>20 louder it's going to be. That would be the DBL numbers</p> <p>21 and the maximum PPV is the peak particle velocity. And</p> <p>22 just so you know, the -- the -- the standard is I can't</p> <p>23 exceed 2.0. And yeah, our highest -- our highest</p> <p>24 reading was 0.0.3. So we're nearly ten times -- most of</p> <p>25 them were -- were ten times below the standard that</p>
<p style="text-align: right;">Page 135</p> <p>1 exceeded. They're there to -- they're there to protect</p> <p>2 not only CDI, but CDI's client as well.</p> <p>3 Q And in this case, the seismograph readings,</p> <p>4 the results were that -- what were the results of the</p> <p>5 seismograph readings?</p> <p>6 A They were all within industry standards, below</p> <p>7 the recommended limits. Through the report, you can</p> <p>8 find it. I can talk you through it if need be.</p> <p>9 MS. HAMILTON: Yeah, let's pull it up. It's</p> <p>10 65, please. So this is Exhibit -- what are we on?</p> <p>11 17 or 18?</p> <p>12 COURT REPORTER: I believe this one is 17.</p> <p>13 BY MS. HAMILTON:</p> <p>14 Q Okay. Make this 17. This is Bates stamped</p> <p>15 CTRL 176 through 181. And the first page of this exhibit</p> <p>16 is an e-mail from Mark to edovas@mcmdemo.com copying</p> <p>17 you, Tom, Thomas J. Doud, and Carol E. Groft. And it</p> <p>18 says, "Eric, attached you will find the vibration and</p> <p>19 air overpressure monitoring report for CDI's felling of</p> <p>20 a Crawford chimney this past Saturday." And then the</p> <p>21 report is attached. So let's go to the third page.</p> <p>22 (EXHIBIT 17 MARKED FOR IDENTIFICATION)</p> <p>23 COURT REPORTER: Of the overall exhibit or of</p> <p>24 the report?</p> <p>25 MS. HAMILTON: Oh, sorry. Of the overall</p>	<p style="text-align: right;">Page 137</p> <p>1 could possibly cause damage regarding vibration. And if</p> <p>2 you look at the -- the -- the farther distance is out,</p> <p>3 you know, you some air -- air overpressure like 140,</p> <p>4 138. Again, that -- the -- the distance is evolved to</p> <p>5 anything that could possibly hurt from, you know -- if</p> <p>6 it's too loud, you can break windows, too. There's --</p> <p>7 there's an aspect there, but the distances we're talking</p> <p>8 about, you know, obviously we didn't cause any damage.</p> <p>9 Q Got it. And so what's the highest DBL that's</p> <p>10 within industry standards?</p> <p>11 A Well, again, the -- the DBL goes back to the</p> <p>12 OSHA standard at 140 where I have to start providing</p> <p>13 hearing protection to people inside that exclusion zone.</p> <p>14 So -- and there was nobody inside the exclusion zone at</p> <p>15 the time of the shot. Other than CDI employees.</p> <p>16 Q Right. And so when Mark said, "You'll note in</p> <p>17 this e-mail, you'll note that we were one sixth" -- or</p> <p>18 sorry. In the conclusions, if you go to the paragraph -</p> <p>19 - or the page before, it says, "Ground vibrations and</p> <p>20 air overpressure is transmitted to adjacent, above and</p> <p>21 below grade structures were less than one-sixth of</p> <p>22 generally accepted safe limits for the respective types</p> <p>23 of adjacent structures exposures." And what does that</p> <p>24 mean?</p> <p>25 A Again, the -- the -- the limits are -- the</p>

<p style="text-align: right;">Page 138</p> <p>1 limit he's most likely referring to, or is -- is the</p> <p>2 vibration limits. And -- and the air overpressure at</p> <p>3 the distances of adjacent improvements to remain, which</p> <p>4 would mean businesses around or people's houses around</p> <p>5 the site. At -- those you can extrapolate what the</p> <p>6 measurements would be by using the data collected close</p> <p>7 to the job than -- and going out. But the farther you</p> <p>8 go out, the lower it goes. So basically said there's no</p> <p>9 way we would've caused damage. Nor did we.</p> <p>10 Q Right. Okay. Let's look at 156. This is</p> <p>11 Exhibit 18. This is Bates stamped Hilco Crawford 2236</p> <p>12 to 2237. This is an April 13, 2020 statement to Samir</p> <p>13 Mayekar, M-A-Y-E-K-A-R, Deputy Mayor of City of Chicago</p> <p>14 from Roberto Perez, Chief Executive Officer of the Hilco</p> <p>15 Redevelopment Partners. Did you have any involvement in</p> <p>16 the creation of this document?</p> <p>17 (EXHIBIT 18 MARKED FOR IDENTIFICATION)</p> <p>18 A No, this -- the first time I saw this was when</p> <p>19 I was transmitted to me today.</p> <p>20 Q Okay. So you've never seen this document</p> <p>21 before today's deposition.</p> <p>22 A Correct.</p> <p>23 Q Okay. So under response to the mayor about</p> <p>24 halfway through, it says, "It is the responsibility of</p> <p>25 the contractor to secure all appropriate permits and</p>	<p style="text-align: right;">Page 140</p> <p>1 demolition contractor."</p> <p>2 A That would be -- that would be MCM.</p> <p>3 Q Okay. So is it the responsibility of MCM to</p> <p>4 secure all appropriate permits and approvals?</p> <p>5 MR. DEVRIES: Object to foundation.</p> <p>6 Q You can answer.</p> <p>7 MR. RICE: Andrew Rice, and I join.</p> <p>8 MR. SMITH: Michael Smith, Hilco, join.</p> <p>9 Q You can answer.</p> <p>10 A Again, I -- I don't know what permits exactly</p> <p>11 MCM was required to -- to -- to have to do the</p> <p>12 demolition job. It's not my -- not my job to check on</p> <p>13 them.</p> <p>14 Q Typically when you -- when you do demolition</p> <p>15 jobs, it's CDI's responsibility to get the appropriate</p> <p>16 permits and approvals, correct?</p> <p>17 A Explosives related permits, yes.</p> <p>18 Q Okay.</p> <p>19 A Everything else is not our responsibility.</p> <p>20 Q Okay. All right. Then another sentence</p> <p>21 reads, "While our review is ongoing, it is our initial</p> <p>22 conclusion that although all regulatory steps were taken</p> <p>23 and all procedures were followed by our contractor to</p> <p>24 conduct a proper implosion, dust suppression efforts</p> <p>25 utilized by our demolition contractor were</p>
<p style="text-align: right;">Page 139</p> <p>1 approvals, which was done." Was it the responsibility</p> <p>2 of CDI to secure all appropriate permits and approvals?</p> <p>3 A No.</p> <p>4 Q Was it MCM's responsibility?</p> <p>5 MR. DEVRIES: I'll object to -- MCM, I'll</p> <p>6 object to foundation. The witness can answer.</p> <p>7 MR. SMITH: Hilco joins.</p> <p>8 A So it is the responsibility of the contractor</p> <p>9 to secure all appropriate permits and approval, which</p> <p>10 was done. So -- they're saying they had all the proper</p> <p>11 permits and approvals to proceed.</p> <p>12 BY MS. HAMILTON:</p> <p>13 Q Right. Do you agree with this statement that</p> <p>14 it is the responsibility of the contractor to secure all</p> <p>15 appropriate permits and approvals?</p> <p>16 A Who's the contractor?</p> <p>17 MR. SMITH: Michael Smith -- Michael Smith,</p> <p>18 Hilco. Object to foundation.</p> <p>19 Q Well?</p> <p>20 A Who -- who defined the contractor that this --</p> <p>21 you'd have to talk to the author of this letter to -- to</p> <p>22 ask them who they're saying the contractor is.</p> <p>23 Q So the first sentence reads, "HPR is working</p> <p>24 cooperative with the City of Chicago to review</p> <p>25 Saturday's demolition event undertaken by HPR'S</p>	<p style="text-align: right;">Page 141</p> <p>1 insufficient." Were all procedures followed by CDI to</p> <p>2 conduct a proper implosion?</p> <p>3 A Yes, as far as filling the chimney, we did</p> <p>4 exactly what we said we were going to do and it was</p> <p>5 perfect shot.</p> <p>6 Q And do you agree that the dust suppression</p> <p>7 efforts utilized by the demolition contractor -- Hilco's</p> <p>8 demolition contractor were insufficient?</p> <p>9 MR. DEVRIES: MCM. This is MCM. I'll object</p> <p>10 to the form of question.</p> <p>11 MR. SMITH: Hilco, object to form as well. And</p> <p>12 foundation.</p> <p>13 MR. RICE: CDI joins.</p> <p>14 BY MS. HAMILTON:</p> <p>15 Q You can answer.</p> <p>16 A Again, it's not -- not my scope of work to</p> <p>17 determine if -- if my client is doing their job</p> <p>18 correctly. They -- they had a dust prevention plan or</p> <p>19 mitigation plan, which was implemented the morning of</p> <p>20 and the structure was brought safely to the ground. At</p> <p>21 -- at that point in time, my contract responsibilities</p> <p>22 are over, and I left.</p> <p>23 Q Do you have an opinion as to whether the dust</p> <p>24 suppression efforts utilized by MCM were insufficient?</p> <p>25 MR. DEVRIES: MCM will object to form of the</p>

<p style="text-align: right;">Page 142</p> <p>1 question.</p> <p>2 MR. RICE: CDI joins.</p> <p>3 MR. SMITH: Hilco joins.</p> <p>4 BY MS. HAMILTON:</p> <p>5 Q You can answer.</p> <p>6 A In my opinion, they did industry standard</p> <p>7 effort to mitigate the dust.</p> <p>8 Q So you believe that the -- in this -- the --</p> <p>9 you believe that the dust mitigation efforts by MCM were</p> <p>10 sufficient, correct?</p> <p>11 A They -- they --</p> <p>12 MR. DEVRIES: This is MCM. I'll object to the</p> <p>13 form of the question.</p> <p>14 A Yes. Again, they did what any other</p> <p>15 contractor that I'm used to dealing with would've done</p> <p>16 to mitigate the dust the morning of the shot.</p> <p>17 Q So you disagree with this statement by Hilco</p> <p>18 here that says, "The dust efforts utilized by our</p> <p>19 demolition contractor were insufficient"?</p> <p>20 MR. SMITH: Object to form. Michael Smith for</p> <p>21 Hilco.</p> <p>22 MR. RICE: CDI join.</p> <p>23 MR. DEVRIES: MCM will join.</p> <p>24 A I -- I don't agree or disagree with the</p> <p>25 statement. It's not for me to say.</p>	<p style="text-align: right;">Page 144</p> <p>1 Chicago, including but not limited to, the dust</p> <p>2 mitigation plan and protocol?</p> <p>3 A The permit issued by the city has no mention</p> <p>4 of dust.</p> <p>5 Q So --</p> <p>6 A There's no -- there's -- the City did not</p> <p>7 require a dust permit.</p> <p>8 Q So is this statement inaccurate?</p> <p>9 MR. SMITH: Michael Smith, Hilco, object to</p> <p>10 form.</p> <p>11 Q You can answer.</p> <p>12 A I -- I have no idea what Hilco could expect</p> <p>13 from us. It's impossible for me to answer. And let's</p> <p>14 jump down to the third paragraph that "despite the</p> <p>15 assurances we received from our implosion expert, the</p> <p>16 measures that were implemented were not." Those -- that</p> <p>17 never came from controlled demolition. I don't know who</p> <p>18 this Roberto Perez guy is but sounds like someone's</p> <p>19 throwing someone else under the bus here because we</p> <p>20 never made those assurances, I promise you.</p> <p>21 Q So CDI never made assurances to Hilco that the</p> <p>22 measures that were to be implemented were -- oh, sorry.</p> <p>23 CDI did not make any assurances to Hilco regarding dust</p> <p>24 mitigation, correct?</p> <p>25 A Never -- never said that -- not sufficient to</p>
<p style="text-align: right;">Page 143</p> <p>1 BY MS. HAMILTON:</p> <p>2 Q Okay. Let's look at 154. This is Exhibit 19.</p> <p>3 Bates stamp CTR -- oh, sorry. Hilco Crawford 17928</p> <p>4 through 17929. This is April 14, 2020. A statement</p> <p>5 from Hilco redevelopment partner, CEO Roberto Perez.</p> <p>6 Have you seen this document before?</p> <p>7 (EXHIBIT 19 MARKED FOR IDENTIFICATION)</p> <p>8 A Not until this morning.</p> <p>9 Q Okay. So this morning was the first time you</p> <p>10 saw this document, correct?</p> <p>11 A Yes.</p> <p>12 Q And you had no involvement in the creation of</p> <p>13 this document, correct?</p> <p>14 A Correct.</p> <p>15 Q And the second paragraph reads, "The implosion</p> <p>16 process was conducted by one of the most recognized</p> <p>17 implosion experts in the country who was hired by our</p> <p>18 primary demolition contractor on site. Hilco</p> <p>19 Redevelopment Partners expected the implosion expert</p> <p>20 that was engaged to follow the plan submitted to, and</p> <p>21 the permit issued by, the City of Chicago, including but</p> <p>22 not limited to, the dust mitigation plan and protocol,</p> <p>23 which included on-site water to be used before, during</p> <p>24 and after the implosion." Was CDI engaged to follow the</p> <p>25 plan submitted to, and the permit issued by, the City of</p>	<p style="text-align: right;">Page 145</p> <p>1 contain the dust that migrated off-site. No, we did</p> <p>2 not.</p> <p>3 Q So this statement, this sentence by Roberto</p> <p>4 Perez, is inaccurate, correct?</p> <p>5 A As -- as far as my role on the project, yes.</p> <p>6 Q Okay.</p> <p>7 A Again, dust is not our responsibility for our</p> <p>8 contract with MCM. And I -- you know, why would I start</p> <p>9 making promises to people that I'm not even contracted?</p> <p>10 Nor would I.</p> <p>11 Q Did you make any assurances to contain the</p> <p>12 dust that migrated off-site or just to contain the dust</p> <p>13 to MCM?</p> <p>14 A No. Again, I hate to reiterate it for the</p> <p>15 fifteenth time. Dust is not our responsibility. The</p> <p>16 control of it, the clean-up of it. Again, it's not part</p> <p>17 of my contract. And we were hired to do a very specific</p> <p>18 task, which we did.</p> <p>19 Q Do you have any idea why Roberto Perez stated</p> <p>20 that he received assurances from CDI about containing</p> <p>21 the dust?</p> <p>22 MR. SMITH: Michael Smith for Hilco, object to</p> <p>23 foundation.</p> <p>24 MR. RICE: Andrew Rice, CDI, join, and</p> <p>25 speculation.</p>

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1 Q You can answer.

2 A I -- I -- I have no idea where he came to

3 this.

4 Q And I take it, you've never had any

5 conversations with Roberto Perez about the Crawford

6 demolition?

7 A I think I may have seen the man once and said

8 hello, but we certainly never had a conversation.

9 Q Okay. And just to be crystal clear, you the

10 implosion expert, you were never engaged to do a dust

11 mitigation plan and protocol, correct?

12 A Correct.

13 Q Do you have any idea why Roberto Perez said

14 that you were in this statement?

15 MR. SMITH: Michael Smith, Hilco. Object to

16 form and foundation.

17 MR. RICE: CDI join.

18 BY MS. HAMILTON:

19 Q You can answer.

20 A I have no idea why he said it.

21 Q Okay. Let's look at 153. This is Exhibit 20,

22 Bates stamped PL 1 through 95, I think. 96. This is a

23 April 16, 2020 electronic mail to Mayor Lightfoot from -

24 - you'd look on the second page, you see that it's from

25 Roberto Perez, CEO of Healthcare Redevelopment Partners.

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1 Do you see that?

2 (EXHIBIT 20 MARKED FOR IDENTIFICATION)

3 A Yes.

4 Q And on page 3, it says Exhibit A, Description

5 of Events on April 11, 2020. Do you see that?

6 A Yes.

7 Q And it reads, "As part of the planning for the

8 implosion, the projects demolition contractor, MCM

9 Management Corporation, MCM reported to HRP, that MCM

10 and its relevant subcontractors developed and

11 implemented a dust control plan, which included numerous

12 efforts to control and mitigate dust emissions from the

13 Site." Did you, along with MCM, develop and implement a

14 dust control plan, which included numerous efforts to

15 control and mitigate dust emissions from the site?

16 A No, CDI had no involvement whatsoever with the

17 dust control plan.

18 Q Do you have any idea who the relevance

19 subcontractors are in this document?

20 A No idea.

21 Q But it's not CDI, correct?

22 A Again, contractually dust mitigation clean-up

23 is not our scope of work, so I have no idea who he's

24 referring to.

25 Q Are you aware of any subcontractors that

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1 developed and implemented a dust control plan along with

2 CD -- along with MCM?

3 A No, I'm not.

4 Q Okay. And let's look at 152. This is Exhibit

5 21. It's Bates stamped Hilco Crawford 22789. This is

6 an e-mail from Eve to Roberto Perez. Actually, let's

7 look at the second e-mail chain. It's from Gary Epstein

8 to Roberto Perez with a CC to Jeremy Grey. Do you know

9 Gary Epstein?

10 (EXHIBIT 21 MARKED FOR IDENTIFICATION)

11 A Do I know Gary Epstein, no.

12 Q Yes.

13 A I do not know him, no.

14 Q Do you know Jeremy Grey?

15 A No. The only person I dealt with at Hilco was

16 -- was Nick.

17 Q Okay. And did you know anybody else at MCM

18 besides Eric Dovas and Aaron Fitch?

19 A Yeah, I know a lot of people there. We worked

20 together for years.

21 Q As concerns the Crawford project, did you have

22 any other contacts at MCM other than Eric Dovas and

23 Aaron Fitch?

24 A Yes, there was Leroy was there and -- and

25 Dennis was there. Leroy Stults, I believe his last name,

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1 and Dennis Johnson.

2 Q Okay. And in this e-mail chain, Gary writes,

3 "We deeply regret the unintended consequences caused by

4 our contractor, resulting in the dust that crossed into

5 the neighborhood." Do you believe that the unintended

6 consequences resulting in dust that cross into the

7 neighborhood was caused by

8 CDI?

9 MR. SMITH: Michael Smith, Hilco, object to

10 form and foundation.

11 MR. RICE: Andrew Rice, CDI joins.

12 BY MS. HAMILTON:

13 Q You can answer.

14 A Can you ask it again, please?

15 Q Sure. Do you believe the unintended

16 consequences caused, or -- excuse me. Do you believe

17 that the unintended consequences that resulted in the

18 dust that crossed into the neighborhood after the

19 Crawford chimney demolition, do you believe that those

20 unintended consequences were caused by

21 CDI?

22 MR. SMITH: Michael Smith, Hilco, object to

23 form and foundation.

24 MR. DEVRIES: MCM will join.

25 MR. RICE: CDI joins.

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1 BY MS. HAMILTON:
 2 Q You can answer.
 3 A Ma'am, no, I do not.
 4 Q Do you believe that the unintended
 5 consequences resulting in dust crossing the neighborhood
 6 was caused by MCM?
 7 MR. DEVRIES: MCM objects to the form of the
 8 question.
 9 Q You can answer.
 10 A No. The -- the wind was responsible for the
 11 dust leaving the job.
 12 Q Were there any other causes of the dust
 13 leaving the job other than wind?
 14 A No.
 15 Q Do you believe that the unintended
 16 consequences of the dust crossing into the neighborhood
 17 was caused by Hilco?
 18 MR. SMITH: Again, Hilco, objection to form and
 19 foundation.
 20 A Again, no. No -- no company or -- or
 21 individual has any control which way the wind's going to
 22 blow. Had the wind been blowing in the opposite
 23 direction, we wouldn't be having this conversation
 24 today.
 25 Q Could CDI, MCM, or Hilco have picked a day to

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1 do the Crawford chimney demolition to prevent dust from
 2 crossing into the neighborhood?
 3 MR. SMITH: Michael Smith, Hilco, object to
 4 foundation.
 5 MR. RICE: CDI joins. It assumes that CDI had
 6 some involvement.
 7 MR. DEVRIES: And MCM will join as well as
 8 calls for speculation.
 9 BY MS. HAMILTON:
 10 Q You can answer.
 11 A No. I mean, are we just supposed to stand
 12 around and -- and not work and -- and -- and wait for
 13 days, weeks, months, when the vast majority of city
 14 officials and agencies are involved and make sure this
 15 is done, you know, per the permit and per the time
 16 stated, it's not a reasonable expectation.
 17 Q Okay. Let's look at 155. This is Exhibit 22.
 18 Bates stamped Hilco Crawford 12502 to 12504. Let's go
 19 to the second page. This is a Termination Notice to
 20 Robert Mardigian, M-A-R-D-I-G-I-A-N, dated April 28,
 21 2020. Let's go to the second page, third paragraph.
 22 I'm sorry, second paragraph, it says, "Contractor's
 23 breaches of the agreement resulting from the stack
 24 implosion are innumerable and by their nature
 25 incurable." Sorry. Let me back up and just -- why don't

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1 you actually read this whole document. It's not very
 2 long. And let me know what you've done reading it.
 3 (EXHIBIT 22 MARKED FOR IDENTIFICATION)
 4 A Okay. Next page, please. Okay.
 5 Q Okay. So going back to the second page,
 6 second paragraph, "Contractor's breaches of the
 7 agreement resulting from the stack implosion or
 8 innumerable and by their nature incurable. Do you agree
 9 with that statement?
 10 MR. DEVRIES: I'm going to object. MCM objects
 11 to form. Foundation, and any testimony frankly,
 12 about a letter from Hilco to MCM about its contract.
 13 BY MS. HAMILTON:
 14 Q You can answer. Oh, I'm sorry. Go ahead.
 15 A CDI has no privity of contract between MCM and
 16 Hilco. I mean, I have no idea what their contract says.
 17 Never saw it. Don't want to see it. It's not -- not my
 18 business to know.
 19 Q Okay. Well, having just looked at the
 20 contract, do you think that --
 21 A That's not the -- this is just a letter.
 22 Q I'm sorry.
 23 A Their contract could be 50 pages long for all
 24 I know. And again, our contract with MCM is very clear
 25 and -- and -- and, you know, we take exceptions to a lot

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1 of things and maybe MCM didn't do that with theirs. I
 2 don't know. I -- I can't say. This is -- this is
 3 business between Hilco and MCM, and CDI has no part of
 4 it.
 5 Q So do you believe, going back up to the first
 6 page, as to the part of the agreement between Hilco and
 7 MCM that's in quotes, "In the performance of the work,
 8 contractor shall take all required measures to prevent
 9 impacts to the property and any neighboring properties
 10 resulting from dust, noise, truck traffic, vibration and
 11 other nuisances resulting from the work. Contractors
 12 shall be liable for any loss of or damage to any such
 13 property that is caused by the action or neglect of
 14 contract for any of its subcontractors." Do you believe
 15 that MCM breached that agreement?
 16 MR. DEVRIES: MCM, again, objects to form.
 17 Foundation and asking this witness to opine on
 18 whether MCM breached its contract with Hilco.
 19 MR. RICE: CDI will join.
 20 MR. SMITH: Hilco joins.
 21 BY MS. HAMILTON:
 22 Q You can answer.
 23 A I have no idea if that's even part of the
 24 contract. Without having -- without having the contract
 25 in hand in front of me, I'm -- I'm not going to answer

<p style="text-align: right;">Page 154</p> <p>1 the question. It's not -- it's not my position to</p> <p>2 answer that question. It's MCM's agreement with -- with</p> <p>3 their client.</p> <p>4 Q Okay. If the contract has this paragraph that</p> <p>5 I've just read, do you think that MCM breached its --</p> <p>6 this part of the contract with Hilco?</p> <p>7 MR. DEVRIES: This is MCM, same objections.</p> <p>8 MR. RICE: CDI will join, and an incomplete</p> <p>9 hypothetical.</p> <p>10 MR. SMITH: Hilco joins.</p> <p>11 BY MS. HAMILTON:</p> <p>12 Q You can answer.</p> <p>13 A It's not for me to say what Hilco thinks or</p> <p>14 who -- whomever decided to terminate the contract</p> <p>15 thinks. No idea what they thought.</p> <p>16 Q Well, I'm not asking you what Hilco thinks.</p> <p>17 I'm asking what you think.</p> <p>18 A It doesn't matter what I think. It's -- it's</p> <p>19 -- it's -- you're asking me something that I've no</p> <p>20 knowledge of. You're asking me questions about a</p> <p>21 contract that I've never seen before, and it's not -- my</p> <p>22 opinion on their contract doesn't matter. It's between</p> <p>23 Hilco and MCM.</p> <p>24 Q Well, I'm asking for your opinion of whether</p> <p>25 or not you believe this section of the agreement that</p>	<p style="text-align: right;">Page 156</p> <p>1 A What?</p> <p>2 MR. DEVRIES: Did you say a dust bomb?</p> <p>3 MS. HAMILTON: I did.</p> <p>4 MR. DEVRIES: I'll object to the form of the</p> <p>5 question. And can I just have like a standing</p> <p>6 objection on you asking the witness about MCM's</p> <p>7 contract with Hilco?</p> <p>8 MS. HAMILTON: Yes.</p> <p>9 MR. DEVRIES: Thank you.</p> <p>10 MR. RICE: Yeah, I will join.</p> <p>11 MR. SMITH: Hilco joins.</p> <p>12 BY MS. HAMILTON:</p> <p>13 Q You can answer.</p> <p>14 A Ask the question again, please.</p> <p>15 Q Was it permissible under this agreement,</p> <p>16 particularly sections that I've read here that's in</p> <p>17 quotes, to let a dust bomb circulate through the</p> <p>18 neighborhood after the Crawford demolition?</p> <p>19 A Dust bomb, really? Define dust bomb. Whose</p> <p>20 words are those? Dust left the -- dust -- dust left the</p> <p>21 site. That's it. I mean, it wasn't a dust bomb. That</p> <p>22 implies something nefarious was planned. So I can't</p> <p>23 answer that question. Again, I'm -- I'm -- I'm not</p> <p>24 going to answer questions about the contract between</p> <p>25 Hilco and MCM. That's not my business. I've never seen</p>
<p style="text-align: right;">Page 155</p> <p>1 I've just read that is in quotes was breached?</p> <p>2 A I would --</p> <p>3 MR. DEVRIES: MCM. I'm going to make the same</p> <p>4 objections and asked and answered now a few times.</p> <p>5 MR. RICE: CDI will join and I think he's</p> <p>6 already answered this, that he doesn't have an</p> <p>7 opinion, so --</p> <p>8 MR. SMITH: Hilco joins.</p> <p>9 MS. HAMILTON: Well, he said his opinion</p> <p>10 doesn't matter, and I want to know what the opinion</p> <p>11 is.</p> <p>12 MR. DEVRIES: I think he specifically said he</p> <p>13 had no opinion. We could review the transcript, but</p> <p>14 that is what he said previously. And I don't mind</p> <p>15 if Ray says it again, but he said more than once, he</p> <p>16 doesn't have an opinion on this. Ray, you can</p> <p>17 answer the question if you'd like.</p> <p>18 A Again, I have no opinion on this. Not my</p> <p>19 business.</p> <p>20 BY MS. HAMILTON:</p> <p>21 Q Under this agreement that is in quotes here</p> <p>22 that I've read, was it permissible to let a dust bomb</p> <p>23 circulate through the neighborhood after the Crawford</p> <p>24 demolition?</p> <p>25 MR. DEVRIES: Object to form.</p>	<p style="text-align: right;">Page 157</p> <p>1 their contract, nor do I want to.</p> <p>2 Q I'm showing you a part of their contract.</p> <p>3 It's in quotes.</p> <p>4 MR. DRISCOLL: Wait. Just real quick. Are you</p> <p>5 refusing to answer the question, Mr. Zukowski? Are</p> <p>6 you refusing to answer the question?</p> <p>7 THE WITNESS: My answer is not going to change.</p> <p>8 MR. DRISCOLL: Well, that's not my -- I'm</p> <p>9 asking, are you definitively refusing to answer the</p> <p>10 question, yes or no? It's a yes or no question.</p> <p>11 Are you definitively refusing to ask -- the answer</p> <p>12 the question?</p> <p>13 THE WITNESS: The one about the dust bomb or</p> <p>14 the one about the contract?</p> <p>15 MR. DRISCOLL: Yes. This -- the last question</p> <p>16 that was asked, sir, are you --</p> <p>17 THE WITNESS: Yes. Yes.</p> <p>18 MR. DRISCOLL: -- definitively refusing?</p> <p>19 A Okay. I object to the word dust bomb. Dust</p> <p>20 words, dust bomb. And I'm not going to answer that, no.</p> <p>21 BY MS. HAMILTON:</p> <p>22 Q Okay. Was it permissible under the provision</p> <p>23 of the contract that is in quotes that I've read to you</p> <p>24 and showed you to let dust circulate through the</p> <p>25 neighborhood after the Crawford demolition?</p>

<p style="text-align: right;">Page 158</p> <p>1 MR. DEVRIES: In addition to MCM's standing 2 objection, I object to the form of the question. 3 A The day of the event or every day that dust 4 left the site? Dust left that site every day of the 5 week. Trust me. 6 Q After the implosion, the day of the implosion, 7 was it permissible under this provision of the contract 8 to let dust circulate through the neighborhood? 9 MR. DEVRIES: Same standing objections and form 10 and vague. 11 A Yeah. Yeah, it's vague. And -- and it's not 12 for me to interpret their contract. You talk to me 13 about my contract with MCM, I'll be extremely specific 14 on how it's interpreted and -- and stuff of that nature, 15 but this is not my responsibility. 16 Q So are you also refusing to answer this 17 question? 18 A I just did. I -- I -- you're asking for -- 19 for me to interpret someone else's writings. 20 MR. DEVRIES: Yeah, I -- 21 A I -- I can't do that. You're asking me to -- 22 to -- to, you know, opine on something that -- that I 23 have no -- A, I have never read before, nor did I write 24 or B, did I have a chance to read it before today. 25 MR. DEVRIES: This is MCM. I just want to put</p>	<p style="text-align: right;">Page 160</p> <p>1 BY MS. HAMILTON: 2 Q Mr. Zukowski, can you answer yes or no, was it 3 permissible under the provision of the contract that 4 I've read that's quoted here whether to let dust 5 circulate through the neighborhood on the day of the 6 implosion? 7 MR. DEVRIES: MCM raises its standing 8 objections and also form. 9 MR. RICE: CDI joins. 10 MR. SMITH: Hilco joins. 11 A I'm just reading it again. Contracts will 12 take all required measures to prevent the impacts to the 13 property in any from da, da, da, da. The -- in my 14 opinion, MCM took those measures to prevent the impacts. 15 They made the attempt to control the dust. 16 BY MS. HAMILTON: 17 Q Okay. So in your opinion, did MCM breach this 18 provision of the contract? 19 MR. DEVRIES: Asked and answered. Standing 20 objections, not listening to his last answer. 21 MS. HAMILTON: That's not an objection. 22 MR. DEVRIES: Yeah. Well, it's frustrating to 23 hear the same question over and over again when he 24 has answered it. 25 MS. HAMILTON: Well, I appreciate that you feel</p>
<p style="text-align: right;">Page 159</p> <p>1 on the record the witness is answering these 2 questions. I mean, and to treat him -- 3 MR. DRISCOLL: No he's not. 4 MR. DEVRIES: -- as he's not. He is. 5 MR. DRISCOLL: No he is not. 6 MR. DEVRIES: He answered them, Sean. You 7 don't like his answer. 8 MR. DRISCOLL: This is Plaintiff Sean Driscoll 9 representing in the state matter. He is not 10 answering the questions. 11 MR. RICE: I would completely object, Sean. 12 He's answered this question more than once and has 13 provided the fact that he doesn't have an opinion on 14 this. I don't know how else you want him to answer 15 the question, but -- 16 MR. DRISCOLL: He is not answering the 17 questions. And if we want to go in and we can sit 18 here and we can argue a little bit more, but we'll 19 go in on a motion, but he is not answering the 20 questions. And for him to also pontificate of 21 saying how a question is vague is also 22 inappropriate. Counsel was correct before to 23 indicate that there were inappropriate speaking 24 objections. So either he is going to answer it, or 25 he is not going to answer it.</p>	<p style="text-align: right;">Page 161</p> <p>1 that way, but you can make objections, state what 2 your basis of your objection is, and please don't 3 make speaking objections. Can you answer the 4 question, Mr. Zukowski? 5 MR. DEVRIES: I'll withdraw my last part of my 6 objection. 7 MR. RICE: CDI joins, asked and answered. 8 MR. SMITH: Hilco joins, form. Foundation. 9 BY MS. HAMILTON: 10 Q You can answer. 11 A I answered my last answer. I believe the 12 contractor took required measures the day of to mitigate 13 the dust. 14 Q So in -- is your answer that you believe that 15 MCM did not breach its agreement with Hilco, the 16 provision that I've read? 17 MR. DEVRIES: MCM makes the same objections to 18 the last several questions. 19 MR. RICE: CDI joins. 20 MR. SMITH: Hilco joins. 21 BY MS. HAMILTON: 22 Q You can answer. 23 A It's not a yes or no answer. It -- it can't 24 be yes or no. It -- you're asking me specific questions 25 about things that are not my responsibility, nor do I</p>

<p style="text-align: right;">Page 162</p> <p>1 have any knowledge of prior to seeing this put in front 2 of my face ten minutes ago.</p> <p>3 Q So you cannot answer the question yes or no as 4 to whether or not MCM breached its agreement, breached 5 this provision of the agreement with Hilco, you cannot 6 answer that question yes or no?</p> <p>7 A I cannot answer that question yes or no.</p> <p>8 Q Okay. In your opinion, did CDI breach its 9 agreement with MCM?</p> <p>10 A No.</p> <p>11 Q Okay. You can put this exhibit down. Thank 12 you, Lindsay. Did you have any involvement in Community 13 Outreach after the demolition?</p> <p>14 A No, the structure was on the ground, and we 15 left.</p> <p>16 Q Do you know what Hilco or MCM did with regard 17 to Community Outreach following the demolition?</p> <p>18 A No.</p> <p>19 Q Did you have any conversations with Hilco or 20 MCM about Community Outreach after the demolition?</p> <p>21 A No.</p> <p>22 Q Did you have any involvement in testing the 23 off-site dust after the demolition?</p> <p>24 A No.</p> <p>25 Q Do you know whether Hilco or MCM tested the</p>	<p style="text-align: right;">Page 164</p> <p>1 remediation efforts after the demolition?</p> <p>2 A No.</p> <p>3 MR. SMITH: Michael Smith, Hilco, objection. 4 Form and foundation.</p> <p>5 Q Do you know what MCM did with regard to 6 remediation efforts after the demolition?</p> <p>7 MR. DEVRIES: MCM objects. Form and 8 foundation.</p> <p>9 Q I didn't hear your answer if you gave one.</p> <p>10 A No, the answer is no.</p> <p>11 Q Did you have any conversations with Hilco or 12 MCM about remediation efforts after the demolition?</p> <p>13 A No.</p> <p>14 MS. HAMILTON: Okay. Can we take a ten-minute 15 break?</p> <p>16 COURT REPORTER: Yeah. We are going off the 17 record. The current time is 3:26 p.m. Eastern 18 Standard time.</p> <p>19 (OFF THE RECORD)</p> <p>20 COURT REPORTER: All righty. We are back on 21 the record for the deposition of Ray Zukowski on 22 February 6, 2023. The current time is 3:41 p.m. 23 Eastern Standard Time. You may continue.</p> <p>24 MS. HAMILTON: Mr. Zukowski, I don't have any 25 further questions for you. Some of the other</p>
<p style="text-align: right;">Page 163</p> <p>1 off-site dust after the demolition?</p> <p>2 A I know somebody did. There's reports out 3 there. I haven't seen them, but I was made aware of 4 them.</p> <p>5 Q Do you know who tested the off-site dust?</p> <p>6 A No.</p> <p>7 Q Did you have any conversations with Hilco or 8 MCM about testing the off-site dust after the 9 demolition?</p> <p>10 A No.</p> <p>11 Q Did you have any involvement in any 12 remediation efforts in the Little Village neighborhood 13 after the demolition?</p> <p>14 A No.</p> <p>15 Q Did you talk to any Little Village residents 16 after the demolition?</p> <p>17 A No.</p> <p>18 Q Did you provide any supplies to any Little 19 Village residents such as air furnaces -- air furnace 20 filters or masks?</p> <p>21 A No.</p> <p>22 Q Did you undertake any street sweeping measures 23 of the areas impacted by the demolition?</p> <p>24 A No.</p> <p>25 Q Do you know what Hilco did with regard to</p>	<p style="text-align: right;">Page 165</p> <p>1 plaintiff's counsel will ask you questions next. 2 Thanks you for -- thank you for your time.</p> <p>3 THE WITNESS: You're welcome. Thank you.</p> <p>4 MR. DRISCOLL: I'm assuming Carrie and 5 Stephanie, do you mind if I go next?</p> <p>6 MS. COTTER: Go ahead.</p> <p>7 CROSS EXAMINATION</p> <p>8 BY MR. DRISCOLL:</p> <p>9 Q Mr. Zukowski, my name is Sean Driscoll. How 10 are you today?</p> <p>11 A I'm doing well, thank you.</p> <p>12 Q Good. Explain to me what CDI does for its 13 business.</p> <p>14 A We travel the world, and we blow things up.</p> <p>15 Q So do you consider yourself an implosion 16 expert?</p> <p>17 A Yes.</p> <p>18 Q And how long have you been an implosion expert 19 for?</p> <p>20 A Well, that's a -- that would be -- that would 21 be my boss' call, not mine.</p> <p>22 Q All right.</p> <p>23 A Obviously when I -- when -- when I first 24 started 27 years ago, I didn't know any of it.</p> <p>25 Q Got you. Well, let me ask you this. At the</p>

<p style="text-align: right;">Page 166</p> <p>1 time of this implosion, did you consider yourself an</p> <p>2 implosion expert?</p> <p>3 A Yes.</p> <p>4 Q And it's my understanding that as part of</p> <p>5 CDI's business, they've imploded hundreds if not</p> <p>6 thousands of chimneys, correct? Or smokestacks?</p> <p>7 A Definitely -- definitely hundreds.</p> <p>8 Q Definitely hundreds. And when doing the</p> <p>9 implosion, you guys essentially incorporate and utilize</p> <p>10 methodologies for speed and efficiency, correct?</p> <p>11 A To -- to bring it to grade or --</p> <p>12 Q Yeah.</p> <p>13 A Yes. It's -- it's a -- it's a faster method.</p> <p>14 Q All right. And the reason why you do that is</p> <p>15 you want to limit the exposure to personnel and</p> <p>16 facilities to any potential risks, correct?</p> <p>17 A Not us, but our -- our clients. Again, we get</p> <p>18 asked to do this. We're not, you know, knocking on doors</p> <p>19 saying, "Hey, I think you -- you should let us do this,"</p> <p>20 so we're assisting our --</p> <p>21 Q Well, I --</p> <p>22 A We're assisting our clients in a -- a quicker,</p> <p>23 time saving, and cheaper method.</p> <p>24 Q And your client in this case was MCM?</p> <p>25 A Yes.</p>	<p style="text-align: right;">Page 168</p> <p>1 implosion?</p> <p>2 A No year's typical, but this year we had, you</p> <p>3 know, two projects running concurrently as we talked</p> <p>4 about earlier, with the Beckjord project and the</p> <p>5 Crawford project.</p> <p>6 Q Got it. And have you taken the OSHA 30?</p> <p>7 A Have I?</p> <p>8 Q Yes.</p> <p>9 A I know I've done HAZWOPER. I don't think I've</p> <p>10 taken specifically</p> <p>11 30.</p> <p>12 Q Okay.</p> <p>13 A Did HAZWOPER before.</p> <p>14 Q Do you have a CV or anything like that, that</p> <p>15 specifically delineates which OSHA courses you've taken?</p> <p>16 A It's -- yes, I have a CV, and it would be on</p> <p>17 there in training.</p> <p>18 Q Okay. Are you aware that OSHA has a dust</p> <p>19 mitigation course for construction training?</p> <p>20 A I'm not aware, no.</p> <p>21 Q All right. Have you or anyone working for CDI</p> <p>22 taken the OSHA course regarding dust mitigation for</p> <p>23 construction training?</p> <p>24 A Not to my knowledge, unless it's part of the</p> <p>25 OSHA 30 overall course.</p>
<p style="text-align: right;">Page 167</p> <p>1 Q All right. And prior to this, how many</p> <p>2 different occasions do you think you actually imploded a</p> <p>3 smokestack similar to the one that was subject to this</p> <p>4 litigation for MCM?</p> <p>5 A No, it's -- can we not use the word</p> <p>6 smokestack? It's -- it's not -- technically incorrect.</p> <p>7 So --</p> <p>8 Q All right. Would you rather use chimney?</p> <p>9 A Chimney, please, yes.</p> <p>10 Q All right.</p> <p>11 A Yes.</p> <p>12 Q And I appreciate it. If there's any part in</p> <p>13 this deposition where you prefer different nomenclature</p> <p>14 that is more specific to your industry, let me know so</p> <p>15 at least we're speaking on the same terms, okay?</p> <p>16 A Will do.</p> <p>17 Q So we're talking about chimneys. Prior to</p> <p>18 this implosion, on how many occasions do you think you</p> <p>19 did an implosion of a chimney for MCM?</p> <p>20 A Me personally, I don't believe I've -- I've</p> <p>21 done -- I'd have to check the -- the -- the files, but</p> <p>22 I'm -- I'm -- I'm assuming we've done other chimneys for</p> <p>23 MCM. I know we've done numerous other projects.</p> <p>24 Q In any given year, how many contracts have you</p> <p>25 executed with MCM to do some type of demolition or</p>	<p style="text-align: right;">Page 169</p> <p>1 Q Well, let me ask you this. You in your, you</p> <p>2 know, experience of being an expert in implosion, have</p> <p>3 you ever taken a course by any entity or seminar</p> <p>4 regarding dust mitigation?</p> <p>5 A I have not, no.</p> <p>6 Q Have you ever been contracted to handle dust</p> <p>7 mitigation services or measures on a construction</p> <p>8 project?</p> <p>9 A No.</p> <p>10 Q Okay. If you had to describe for someone what</p> <p>11 MCM does for a business, how would you do that?</p> <p>12 MR. DEVRIES: Just MCM will object to</p> <p>13 foundation.</p> <p>14 Q All right. Here, let me rephrase, and I'll</p> <p>15 set the foundation. You have worked with MCM on multiple</p> <p>16 occasions, true?</p> <p>17 A True.</p> <p>18 Q You have negotiated multiple contracts with</p> <p>19 MCM, true?</p> <p>20 A Two, specifically. Yes.</p> <p>21 Q What is your general understanding of what MCM</p> <p>22 is in the business of doing?</p> <p>23 MR. DEVRIES: Same. MCM will still object to</p> <p>24 foundation. You can answer.</p> <p>25 A They're a demolition contractor.</p>

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1 Q All right. And if you had to explain to 12
2 people who aren't in the construction industry, and
3 don't do what you do, what a demolition contractor is,
4 how would you describe that to them?

5 A They take down buildings and bridges and
6 chimneys. I mean, they -- they demolish things, and I
7 don't know any other way to say it.

8 Q All right. And when they're -- would you
9 agree with me when taking down certain structures such
10 as chimneys, they have an obligation to do dust
11 mitigation measures, true?

12 MR. DEVRIES: Object to the form. Foundation.

13 MR. RICE: CDI joins.

14 MR. DEVRIES: That's MCM, I'm sorry.

15 BY MR. DRISCOLL:

16 Q Is -- you would agree with me that, as a
17 demolition contractor with your 27 years' experience in
18 the industry, that they need to take measures for dust
19 mitigation, true?

20 MR. DEVRIES: MCM objects to form. Foundation.

21 Q You can answer. I can't hear you because he's
22 objecting and you're answering at the same time, and
23 we're on Zoom, and so can you answer the question, sir?

24 A Yes, they should be, you know -- dust is part
25 of any demotion project, and obviously they're a

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1 demolition contractor.

2 Q Okay. And I understand that it's part of
3 every project. My question is very specific. Would you
4 agree with me that MCM must take dust mitigation
5 measures when they are the contractor handing --
6 handling the demolition of a chimney? Yes or no?

7 MR. DEVRIES: MCM objects to the form.

8 Foundation, calls for speculation.

9 MR. RICE: CDI joins.

10 MR. DRISCOLL: Did we get an answer, Lindsay?

11 A No, I didn't -- no, I didn't answer. Yes,
12 I'll answer the question yes.

13 BY MR. DRISCOLL:

14 Q All right. So with your 27 years of
15 experience in the industry, and your review of your
16 contract -- I'll strike that. With your 27 years in the
17 industry, in your review of CDI's contract with MCM, is
18 it your understanding that MCM had responsibility for
19 dust mitigation? Yes or no?

20 A Yes.

21 Q All right. And was it your understanding that
22 Hilco was the primary entity responsible for obtaining
23 the permits for the demolition of the chimney?

24 MR. SMITH: Objection. Form. Foundation.

25 Michael Smith for Hilco.

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1 Q Sir, you can answer.

2 A Yes.

3 Q All right. And with your 27 years of
4 experience in the industry and getting demolition
5 permits, it's your understanding that the person who
6 procures the permit is also responsible for dust
7 mitigation, true?

8 MR. SMITH: Michael Smith, Hilco, objection.

9 Form. Foundation.

10 MR. DEVRIES: MCM will join.

11 BY MR. DRISCOLL:

12 Q My statement is true, correct?

13 A No.

14 Q Are you saying that the City of Chicago does
15 not put in -- does not have regulations or rules in
16 which someone who obtains a permit for demolition must
17 have a dust mitigation plan?

18 A CDI's responsibility on this project was to
19 assist in explosives demolition permit, period.

20 Q Sir, that is not my question. My question is
21 --

22 A That's, again, I -- I -- I don't know. I do
23 not -- I do not know.

24 Q Let me finish my question, sir. My question
25 is a yes-or-no question, and I will ask my question, and

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1 you can answer. And if you can't answer it, then you
2 can state for the record why you can't, all right? I'm
3 the one asking the questions in this, just like counsel
4 before me. Is it your testimony here under oath, as an
5 implosion expert who has done work in the City of
6 Chicago, that the person who obtains the permit does not
7 need to have a dust mitigation plan in place? Is that
8 your short testimony under oath for a implosion expert
9 that does work in Cook County, yes or no?

10 MR. SMITH: Michael Smith, Hilco, objection.

11 Form. Foundation.

12 MR. DEVRIES: MCM will join.

13 MR. RICE: CDI joins.

14 A I'll ask one more question. Which permit are
15 you referring to?

16 BY MR. DRISCOLL:

17 Q Well, which permit had to do with the
18 implosion of the chimney? The one you were working on?

19 A The blasting permit.

20 Q All right. So if there is a blasting permit
21 that may create dust that may escape the construction
22 site, is it your testimony under oath, for someone who
23 does work in Chicago, that the person who obtains the
24 permit does not need to have a dust mitigation program?
25 Yes or no?

<p style="text-align: right;">Page 174</p> <p>1 MR. SMITH: Michael Smith, Hilco, objection.</p> <p>2 Form. Foundation.</p> <p>3 MR. DEVRIES: MCM will join.</p> <p>4 MR. RICE: CDI joins.</p> <p>5 BY MR. DRISCOLL:</p> <p>6 Q You can answer.</p> <p>7 A No, it is not applicable to CDI's permit.</p> <p>8 Q I didn't ask about CDI's permit.</p> <p>9 A Then ask me --</p> <p>10 Q In your 27 years in the experience, who do you</p> <p>11 believe was responsible for the dust mitigation services</p> <p>12 for this project?</p> <p>13 A MCM.</p> <p>14 Q Who is responsible for Community Outreach?</p> <p>15 A Community Outreach is -- it's no one's</p> <p>16 responsibility. It's a joint effort. There's no --</p> <p>17 Q All right.</p> <p>18 A There's no regulations regarding Community</p> <p>19 Outreach.</p> <p>20 Q Well, that wasn't my question. I asked for</p> <p>21 this construction project, who did you understand was</p> <p>22 responsible for Community Outreach?</p> <p>23 A Hilco.</p> <p>24 Q Would you agree with me that the most common</p> <p>25 methods for controlling demolition dust are surface</p>	<p style="text-align: right;">Page 176</p> <p>1 been running, at least in time proximity to the point of</p> <p>2 implosion?</p> <p>3 A No.</p> <p>4 MR. RICE: Sorry to object, but asked and</p> <p>5 answered, but go ahead, Ray.</p> <p>6 Q Okay. And can you give me a -- I don't know,</p> <p>7 where were you actually located on the job site at the</p> <p>8 time of implosion?</p> <p>9 A I was at the command post.</p> <p>10 Q Okay. Just bear with me a second. I -- I've</p> <p>11 got a lot of notes here, and since we were kind of</p> <p>12 jumping around, I'm trying to avoid the objections that</p> <p>13 your counsel is making. So just give me a second. Who</p> <p>14 specifically directed you not to be involved in the</p> <p>15 permitting process?</p> <p>16 A Hilco. Nick from --</p> <p>17 Q Who at Hilco?</p> <p>18 A Nick.</p> <p>19 Q And how -- on how many occasions -- well, was</p> <p>20 it in-person or was it solely via e-mail?</p> <p>21 A In-person.</p> <p>22 Q Okay. And what did he specifically say to</p> <p>23 you?</p> <p>24 A I can't remember word for word, but basically</p> <p>25 it was that he was going to handle all the permitting.</p>
<p style="text-align: right;">Page 175</p> <p>1 wetting and airborne capture?</p> <p>2 A Yes.</p> <p>3 Q Would you agree with me that with surface</p> <p>4 suppression, the goal is to prevent dust problems by</p> <p>5 wetting the source before particles can become airborne?</p> <p>6 A Partially, yes. It -- as respects the -- the</p> <p>7 -- the soil, dust generated from soil on the ground,</p> <p>8 yes.</p> <p>9 Q Did you actually see the saturation of the</p> <p>10 construction site prior to the implosion?</p> <p>11 A I was on-site -- go ahead.</p> <p>12 MR. RICE: Objection to asked and answer, but</p> <p>13 go ahead, Ray.</p> <p>14 Q And I appreciate that Andrew. I'm not trying</p> <p>15 to be difficult. I don't think -- I'm going to ask you</p> <p>16 where you were, and how long you're on the job site, but</p> <p>17 I don't know if it was actually answered. So did you</p> <p>18 actually see any of the wetting of the actual</p> <p>19 construction site prior to the implosion?</p> <p>20 A Yes, I did.</p> <p>21 Q Okay. And what was the method that you</p> <p>22 observed being utilized?</p> <p>23 A MCM had the water trucks running and they had</p> <p>24 the DustBosses set up.</p> <p>25 Q Okay. Do you know how long those trucks had</p>	<p style="text-align: right;">Page 177</p> <p>1 Q Did that surprise you?</p> <p>2 A No, honestly it did not.</p> <p>3 Q On how many projects in Chicago had CDI been</p> <p>4 involved in where they were not actively participating</p> <p>5 in the permit process?</p> <p>6 A I can't answer that. I wasn't involved in</p> <p>7 every project in Chicago. In the two previous jobs in</p> <p>8 Chicago I was there for -- for help. I wasn't part of</p> <p>9 management.</p> <p>10 Q If I wanted to direct a specific request to</p> <p>11 CDI to determine how many projects that they were</p> <p>12 involved in Chicago, in let's say the last ten years</p> <p>13 prior to this incident, is those records that are</p> <p>14 usually kept by CDI to the best of your knowledge and</p> <p>15 understanding?</p> <p>16 A Yes, we would have those records.</p> <p>17 Q In the two prior incidents, I know that it was</p> <p>18 handled by someone else, and you were there for</p> <p>19 assisting, but were -- was CDI involved in the permit</p> <p>20 process during that time, on those two projects?</p> <p>21 A I -- I can't answer that. I'm -- I'm -- I</p> <p>22 will assume yes.</p> <p>23 Q Okay. Based on your understanding and</p> <p>24 experience working at CDI, you believe on the two other</p> <p>25 projects that CDI was involved in the permitting</p>

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1 process, fair?

2 A Fair.

3 Q Now, the exclusion zone that was discussed

4 before, you were the original person who created that

5 document, correct?

6 A Correct.

7 Q And you had then tendered that document to the

8 other contractors on the site, including MCM as well as

9 Hilco, true?

10 A Yeah. Transmitted to MCM.

11 Q And you then became aware that MCM had

12 transmitted that document to Hilco, correct?

13 A Yes.

14 Q And you became aware that that document was

15 being disseminated into the community, true?

16 A Yes. After they requested we take our name

17 off of it.

18 Q Okay. So after they made the request, you

19 understood that a document that you had been -- that you

20 had created was being utilized and disseminated out into

21 the community, true?

22 A Yes, it's my understanding.

23 Q Did you take any objection to Hilco

24 disseminating your work product into the community?

25 A No.

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1 Q Did you ask why they were disseminating the

2 work product into the community?

3 MR. SMITH: Objection. Foundation. Michael

4 Smith for Hilco.

5 Q Well, here, I want to know, did you yourself

6 ever object to say, "Hilco, no, my document, which

7 identifies the exclusion zone, I don't want you

8 disseminating that into the community"? Did you do

9 that? Yes or no?

10 A No.

11 Q Why not?

12 A Because it was -- it showed the exclusion zone

13 and the road closures.

14 Q Okay. Well, what was your understanding of

15 why they were disseminating it into the Little Village

16 neighborhood?

17 MR. RICE: Objection. Calls for speculation.

18 MR. DRISCOLL: I'm asking what his

19 understanding is.

20 MR. SMITH: Hilco joins the objection.

21 BY MR. DRISCOLL:

22 Q I'm very particular about my question. I want

23 to know what your understanding was --

24 A I know, I'll answer you.

25 Q -- why -- let me get the question out again.

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1 I want to know what your understanding was of why the

2 document you created for the exclusion zone was being

3 disseminated into a community in the Chicagoland area

4 that was immediately adjacent to a property where you

5 were imploding a chimney.

6 A So Hilco could make the community aware of

7 what road closures might be enforced, and timeline of

8 events.

9 Q Was it your understanding that there was a

10 probability that there may be dust migration from the

11 construction site after your implosion into the

12 neighborhood? Yes or no?

13 A It could happen, yes.

14 Q All right. So when you allowed Hilco to use

15 your exclusion zone plan, you knew at that time that due

16 to the implosion that you were conducting, that there

17 may be dust migration into the neighborhood, true?

18 A Partly, yes.

19 Q All right. And is it your testimony here

20 today that there was no obligation on your behalf to do

21 any dust mitigation?

22 A Yes. Contractually, it was outside of our

23 scope of work.

24 Q Would you agree with me that the chimney was

25 being taken down as part of a larger project to improve

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1 the property for a development?

2 A Yes.

3 Q You would agree with me that this was an

4 active construction site?

5 A Yes.

6 Q All right. Give me one last second here. I

7 think I'm almost done. Have you had any specific

8 conversations with Mark where he felt that MCM did not

9 do the proper job in dust mitigation?

10 A Mark Loizeaux?

11 Q Yeah.

12 A Not that I recall, no.

13 Q Did you have any concerns about Hilco handling

14 the permit process with the City of Chicago regarding

15 this project?

16 MR. SMITH: Michael Smith, Hilco. Object to

17 form.

18 A No, I -- no, I did not.

19 Q Why did you not have any concern with Hilco

20 handling the permit process?

21 A Because of the way Nick involved everyone in

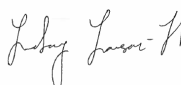
22 the permitting process. He was very thorough. I

23 thought he did a very good job, and I didn't feel CDI's

24 interests were not being served.

25 Q So you felt that CDI's interests were being

<p style="text-align: right;">Page 182</p> <p>1 served by Hilco during the permit process, true?</p> <p>2 A Yeah.</p> <p>3 Q Did you think that the community's interests</p> <p>4 were being served during the permit process?</p> <p>5 A The community and the permit don't have any</p> <p>6 correlation.</p> <p>7 Q Okay. So it's your testimony, after 27 -- 27</p> <p>8 years of experience, that when they're blasting a</p> <p>9 chimney that may cause dust migration, that the</p> <p>10 community has no interest during the permit process and</p> <p>11 their interest should not be considered? That's your</p> <p>12 testimony here today, true?</p> <p>13 A True.</p> <p>14 Q Why did Mark want the City of Chicago and its</p> <p>15 agency to know that your client, MCM, and Hilco, the</p> <p>16 property on notice, that Hilco as assuming the</p> <p>17 responsibility for getting the permit?</p> <p>18 A Just --</p> <p>19 MR. SMITH: Michael Smith, Hilco. Object to</p> <p>20 foundation.</p> <p>21 A Just --</p> <p>22 Q You can answer.</p> <p>23 A Just to make sure that nothing was missed that</p> <p>24 would put CDI in harm's way.</p> <p>25 Q Okay. Well, describe for me in detail what</p>	<p style="text-align: right;">Page 184</p> <p>1 A So I'm -- the same amount of dust that you</p> <p>2 would expect from something nearly 400 feet tall.</p> <p>3 Q So it's your testimony here that the Little</p> <p>4 Village neighborhood was covered in the appropriate</p> <p>5 amount of dust after an implosion performed by CDI,</p> <p>6 true?</p> <p>7 A That's --</p> <p>8 MR. DEVRIES: Same objection to the form of the</p> <p>9 question and that it misstates his testimony.</p> <p>10 MR. RICE: CDI joins.</p> <p>11 BY MR. DRISCOLL:</p> <p>12 Q You can answer.</p> <p>13 MR. SMITH: Hilco joins.</p> <p>14 A My answer is no.</p> <p>15 MR. DRISCOLL: All right. I have no further</p> <p>16 questions. Ray, you have a good one. It was nice</p> <p>17 meeting you, okay?</p> <p>18 THE WITNESS: Take care. Thank you.</p> <p>19 MR. RICE: Anybody else have some questions for</p> <p>20 Mr. Zukowski? Hearing none, I guess we're done for</p> <p>21 today; is that accurate? Anybody have any questions</p> <p>22 for him?</p> <p>23 MS. COTTER: I don't.</p> <p>24 MR. RICE: Okay.</p> <p>25 MR. DEVRIES: MCM does not.</p>
<p style="text-align: right;">Page 183</p> <p>1 you did to make sure that CDI was not put in harm's way</p> <p>2 during the implosion of the smokestack.</p> <p>3 A That's kind of vague question. I'm not really</p> <p>4 sure what you're asking.</p> <p>5 Q Well, you just said you wanted all the --</p> <p>6 CDI's interests. How were CDI's interests protected by</p> <p>7 Hilco and the MCM during the permit process until the</p> <p>8 date of the implosion?</p> <p>9 A Just to make sure that nothing was said out of</p> <p>10 turn, you know, specifically as it relates to explosives</p> <p>11 handling and operations.</p> <p>12 Q Do you think that the dust cloud that went</p> <p>13 over the Little Village neighborhood was an appropriate</p> <p>14 amount of dust after the implosion to leave the</p> <p>15 exclusion zone and go into neighborhood?</p> <p>16 MR. RICE: Object to the term "appropriate,"</p> <p>17 but go ahead, Ray, if you understand.</p> <p>18 A Well --</p> <p>19 Q Ray, do you know what the word "appropriate"</p> <p>20 means?</p> <p>21 A Yeah. I'll answer your question. It was --</p> <p>22 again, I -- it -- this question was asked before. It</p> <p>23 wasn't more than expected and it wasn't less than</p> <p>24 expected.</p> <p>25 Q So you --</p>	<p style="text-align: right;">Page 185</p> <p>1 MR. SMITH: None for Hilco.</p> <p>2 MR. LYMAN: None for Marine Technology</p> <p>3 Solutions.</p> <p>4 MR. OLSEN: This is Ed Olsen. No questions.</p> <p>5 MR. RICE: I'm sure the Strellis firm</p> <p>6 responded, but I guess I didn't catch that.</p> <p>7 MS. COTTER: Yeah. No further questions from</p> <p>8 the Strellis firm.</p> <p>9 MR. RICE: All right. Then I think we're done,</p> <p>10 Ray.</p> <p>11 COURT REPORTER: Before we get going, I do have</p> <p>12 -- Mr. Zukowski, did you want to read or waive</p> <p>13 today? So you have the ability to read the</p> <p>14 transcript, to review the transcript for any</p> <p>15 inaccuracies. So did you want to read, or did you</p> <p>16 want to go ahead and waive on that today?</p> <p>17 THE WITNESS: Read it, like, right now?</p> <p>18 COURT REPORTER: Oh, no.</p> <p>19 THE WITNESS: I'll defer to Andrew on this.</p> <p>20 MR. RICE: Reserve signature. We'll have</p> <p>21 Mr. Zukowski review it.</p> <p>22 COURT REPORTER: Okay. And then let's go ahead</p> <p>23 and get orders while we're still on record. That</p> <p>24 read and sign, are we sending that to you, Mr. Rice?</p> <p>25 MR. RICE: That's fine. Yes, you can send it</p>

<p style="text-align: right;">Page 186</p> <p>1 to me.</p> <p>2 COURT REPORTER: Okay. And then, Ms. Hamilton,</p> <p>3 how would you like a copy of the transcript today?</p> <p>4 MS. HAMILTON: I don't think we're going to</p> <p>5 order at this time, actually.</p> <p>6 COURT REPORTER: Okay. What about the video?</p> <p>7 Same for the video?</p> <p>8 MS. HAMILTON: Yep. Same for the video.</p> <p>9 COURT REPORTER: Okay. Mr. DeVries, transcript</p> <p>10 and/or video today?</p> <p>11 MR. DEVRIES: No video certainly. I'll take a</p> <p>12 copy if it's going to be written up.</p> <p>13 COURT REPORTER: Uh-huh. All right. And then</p> <p>14 let's see. Mr. Smith, would you like a copy of the</p> <p>15 transcript and/or video today?</p> <p>16 MR. SMITH: If we have a standing order, if my</p> <p>17 firm as a standing order, let's do that.</p> <p>18 COURT REPORTER: Okay.</p> <p>19 MR. SMITH: So yeah, let's do that. And if</p> <p>20 not, you can get in touch with me, and we'll figure</p> <p>21 it out.</p> <p>22 COURT REPORTER: Yeah. All right. Mr. Rice,</p> <p>23 would you like a copy of the transcript and/or video</p> <p>24 today?</p> <p>25 MR. RICE: Just the transcript. E-tran is</p>	<p style="text-align: right;">Page 188</p> <p>1 do just have one spelling, but let me go ahead and</p> <p>2 hop us off the record real quick. All right. This</p> <p>3 concludes the deposition of Ray Zukowski on February</p> <p>4 6, 2023. The current time is 4:08 p.m. Central</p> <p>5 Standard Time [sic].</p> <p>6 (DEPOSITION CONCLUDED AT 4:08 P.M. (ET))</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 187</p> <p>1 fine. No video.</p> <p>2 COURT REPORTER: Okay. All right. Is</p> <p>3 Mr. Lyman still on the call?</p> <p>4 MR. LYMAN: Yes, I am, Lindsay. Neither for</p> <p>5 me. Thank you.</p> <p>6 COURT REPORTER: Okay. Mr. -- so it looks like</p> <p>7 Mr. Beribak hopped off. Mr. Olsen, do you know if</p> <p>8 your firm -- if you-all would like to order a</p> <p>9 transcript and/or video today?</p> <p>10 MR. OLSEN: Definitely not the video. I'll ask</p> <p>11 John to do any ordering because I just kind of</p> <p>12 jumped on here on this.</p> <p>13 COURT REPORTER: Okay.</p> <p>14 MR. OLSEN: I appreciate it. Thank you.</p> <p>15 COURT REPORTER: And then anybody from Strellis</p> <p>16 firm --</p> <p>17 MS. COTTER: Yes.</p> <p>18 COURT REPORTER: -- are we ordering a copy of</p> <p>19 the transcript and/or video?</p> <p>20 MS. COTTER: We'll take a copy of -- a PDF copy</p> <p>21 of the transcript, please, not the video.</p> <p>22 COURT REPORTER: Okay. And then I -- is</p> <p>23 Mr. Driscoll still on? Mr. Driscoll, are you still</p> <p>24 there? Okay. I'll just reach out to him via</p> <p>25 e-mail. That is all I have for on-record stuff. I</p>	<p style="text-align: right;">Page 189</p> <p>1 CERTIFICATE OF REPORTER</p> <p>2 STATE OF ILLINOIS</p> <p>3</p> <p>4 I do hereby certify that the witness in the foregoing</p> <p>5 transcript was taken on the date, and at the time and</p> <p>6 place set out on the Title page here of by me after</p> <p>7 first being duly sworn to testify the truth, the whole</p> <p>8 truth, and nothing but the truth; and that the said</p> <p>9 matter was recorded digitally by me and then reduced to</p> <p>10 type written form under my direction, and constitutes a</p> <p>11 true record of the transcript as taken, all to the best</p> <p>12 of my skill and ability. I certify that I am not a</p> <p>13 relative or employee of either counsel, and that I am in</p> <p>14 no way interested financially, directly or indirectly,</p> <p>15 in this action.</p> <p>16</p> <p>17</p> <p>18</p> <p>19 </p> <p>20</p> <p>21</p> <p>22 LINDSAY LARSON-TODD,</p> <p>23 COURT REPORTER / NOTARY</p> <p>24 MY COMMISSION EXPIRES ON: 11/01/2023</p> <p>25 SUBMITTED ON: 02/14/2023</p> <div data-bbox="1153 1564 1469 1690" style="border: 1px solid black; padding: 5px; text-align: center;"> <p>LINDSAY LARSON TODD Official Seal Notary Public - State of Illinois My Commission Expires Nov 1, 2023</p> </div>